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25.03.2026
Ct. No. 05
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WPA 26596 of 2025

**Sujan Sarkar
Vs.
State of West Bengal & Ors.**

Mr. Amitabha Ghosh
...for the petitioner

Mr. Swapan Banerjee
Mr. Samrat Paul
...for the State

1. Matter is heard in presence of the learned advocates representing the petitioner and State respondents.
2. It is submitted on behalf of the petitioner that alleging commission of same offence petitioner filed a complaint but FIR was not registered by the concerned police authority. It is also submitted that acting upon similar complaint lodged by another person FIR was registered. Therefore, petitioner's complaint needs to be taken into consideration for registering FIR.
3. Mr. Swapan Banerjee, learned Additional Government Pleader appears on behalf of State respondents who files a communication dated 1st December, 2025 of Inspector-in-Charge, Kalyani Police Station, Ranaghat Police District and same is taken on record.

4. It is disclosed in the said communication dated 1st December, 2025 that FIR was registered and criminal prosecution was started being Kalyani P.S. Case No. 00/25 dated 15th October, 2025 under certain provisions of BNS. According to State respondents further registering of FIR is not warranted based on the complaint lodged by the petitioner.
5. Petitioner has approached this Court with the present writ petition seeking direction upon the police authorities to register FIR and complaining of inaction on the part of the police authorities. Petitioner has an alternative remedy to approach jurisdictional Magistrate under Section 175 BNSS vis-a-vis Section 210 BNSS. Therefore, the present writ petition is not entertained. In this regard reliance is placed on the judgment of Hon'ble Supreme Court reported in **(2007) 6 SCC 171 (Aleque Padamsee and Others vs. Union of India & Others)**.
6. Hence, writ petition is dismissed.
7. However, this order shall not preclude the petitioner to approach jurisdictional Magistrate in pursuit of remedy.

8. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)