5.
(DL)

08.05.2026
Ct. No. 05
(ARPAN)

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 9487 OF 2026

KAWSAR ALI MOLLA
VS.
THE STATE OF WEST BENGAL AND OTHERS

.....

Mrs. Pampa Dey (Dhabal), Adv.
...for the Petitioner

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.

2. Mrs. Dhabal, learned advocate representing the petitioner submits that in spite of lodging complaint before the concerned police authority, same has not been transformed into FIR by registering case.

3. Petitioner prays for direction upon the concerned police authority to take steps and initiate criminal prosecution based on the complaint lodged by the petitioner.

4. There is an alternative remedy available to the petitioner to approach the jurisdictional Magistrate under Section 175 (3) of Bharatiya Nagarik Suraksha Sanhita, 2023. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court reported in ***(2007) 6 SCC 171 (Aleque Padamsee and others vs. Union of India and others)***.

5. Hence, writ petition is not entertained and same stands dismissed.

6. However, this order shall not preclude the petitioner to approach the jurisdictional Magistrate in pursuit of remedy.

7. Parties to act on the server copy of this order duly downloaded from the official website of this court.

(SAUGATA BHATTACHARYYA, J.)