

WPA 11272 of 2026

**Mohammed Nasiruddin Molla
Vs.
The State of West Bengal & Ors.**

Md. Mansoor Alam
Md. Asjad Mansoor

....for the petitioner

Ms. Faria Hossain
Ms. Suparna Chatterjee
Md. Ali Ahasan

....for the private respondents

Mr. Suryaneel Das
Ms. Suchitra Sinha Chatterjee
Ms. Sumita Sarkar

...for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. On perusal of prayer couched in the writ petition it appears that virtually petitioner has prayed for direction upon the concerned police authorities for registering FIR based on the complaint lodged by the petitioner.
3. Learned advocate representing State respondents has opposed this writ petition since there is an alternative remedy available under Section 175(3) BNSS, 2023.
4. Private respondents are also represented by learned advocates.
5. Under Section 175(3) BNSS 2023 there is an alternative remedy available in the event

complaint is not transformed into an FIR. Complainant is required to approach jurisdictional Magistrate.

6. 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 & Other)**.
7. Hence, writ petition is not entertained and same stands dismissed.
8. However, this order shall not preclude the petitioner to approach jurisdictional Magistrate in pursuit of remedy.
9. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)