

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

W.P.A. NO 11435 OF 2025

Ashok Kumar Sonkar

-vs-

The State of West Bengal & Ors.

Mr. Arun Kumar Maiti (Mohanty),
Ms. Kaberi Sengupta Mohanty,
Mr. R. R. Mohanty,
Ms. Puspriya Chowdhury,
Ms. Tithi Guchait,
Mr. Debasish Bandhopadhyay

....for the petitioner.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. In spite of service of notice State respondents are not represented.
3. From the case made out in this writ petition, it appears that failure on the part of the concerned police authorities to register FIR prompts petitioner to approach this Court with the present writ petition.
4. There is an alternative remedy available to the petitioner under Section 175(3) of BNSS, 2023 by approaching jurisdictional Magistrate if petitioner's complaint is not transformed into an FIR.
5. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court reported in **2026 SCC Online SC 798 (Sujal Vishwas Attavar & Anr. v. State of Maharashtra & Ors.)**
6. It is succinctly decided in paragraph 7 of **Sujal**

Vishwas Attavar (supra) that if a person has grievance that his FIR has not been registered by the police, or having been registered, proper investigation is not being conducted, then the remedy does not ordinarily lie in invoking the writ jurisdiction in the first instance, but in seeking recourse to the statutory framework, unless of course the urgency of the circumstances warrant otherwise

7. In view of law laid down by the Hon'ble Supreme Court in *Sujal Vishwas Attavar* (supra), present 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. Parties to act on the server copy of this order duly downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)