

04 13.07.2026
Rkd Ct.05

W.P.A. 14471 of 2026

Mafikul Islam

-vs-

The State of West Bengal & Ors.

Mr. Kingsuk Mondal,
Mr. Suman Das,
Mr. Golam Mure Imrohi

....for the petitioner.

Mr. Abdus Salam

...for the respondent no.5.

Md. Mozammel Hossain,
Mr. Sandipan Maity

....for the respondent no.6.

Mr. Suryaneel Das,
Ms. Suchitra Sinha Chatterjee,
Mr. Chiranjit Pal

....for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. It is submitted that based on the complaint lodged by the petitioner a criminal prosecution was initiated by registering FIR being Monteswar Police Station Case No.332/2025 dated 15th July, 2025 under certain provisions of BNS, 2023 but necessary steps are not being taken by arresting accused persons.
3. Prayer is made in this writ petition thereby issuing mandamus directing the concerned police authorities to take steps in connection with aforesaid criminal prosecution and to arrest accused persons.

4. Learned advocate representing the State respondents has filed a communication dated 12th July, 2026 of Inspector-in-Charge, Monteswar Police Station and same is taken on record.
5. Since FIR has been registered and grievance is ventilated in this writ petition that necessary steps are not being taken by the investigating agency, petitioner is required to approach jurisdictional Magistrate within the statutory framework.
6. 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.)**. Paragraph 7 of **Sujal Vishwas Attavar** (supra) is quoted below:

“7. Keeping in view the above exposition of law, we find that the extraordinary jurisdiction under Article 226 of the Constitution of India ought not to have been invoked when alternative equally efficacious statutory remedies were available. If a person has a 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 aforesaid exposition of law by the Hon'ble Supreme Court, the writ petition is not entertained and same stands dismissed.
8. However, this order shall not preclude the petitioner to approach appropriate authority in accordance with law.
9. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)