

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 14600 of 2026

Asif Iqbal Ahmed
-versus
The State of West Bengal & Ors.

Ms. Mehroon Khanam
Mr. Souradeep Sarkar
... For the petitioner

Mr. Billwadal Bhattacharyya, Ld. AAG
Mr. Suryaneel Das, Ld. AGP
Ms. Sruti Datta
... For the State

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

2. Learned advocate representing petitioner expresses dissatisfaction with regard to inaction on the part of the concerned police authorities by not initiating criminal proceeding against private respondents based on the complaint lodged. At the same time, it is also submitted on behalf of petitioner since complaint was lodged against respondent nos.6, 7, 8 and 9, who are influential persons, police authorities may be directed to provide protection to petitioner.

3. State respondents are represented by Mr. Billwadal Bhattacharyya, learned Additional Advocate General, who has filed a communication of the Inspector of Police, Additional Officer-in-Charge, Park Street Police Station and same is taken on record.

4. It is submitted on behalf of State respondents till date FIR is not drawn up. There is an alternative remedy available to petitioner to approach jurisdictional Magistrate under Section 175(3) of BNSS, 2023 in the event complaint of petitioner is not transformed into an FIR.

5. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court, reported in (2007) 6 SCC 171 (Aleque Padamsee & Ors. –v. Union of India & Ors.).

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

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

8. Concerned police authorities are directed to provide protection to petitioner, if situation so arises.

9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Saugata Bhattacharyya, J.)