

WPA 14994 of 2026

Arindam Basu
Vs.
The State of West Bengal & Ors.

Mr. Tathagata Datta
Ms. Saba Parween
...for the petitioner

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. Learned advocate representing petitioner submits that based on the complaint lodged FIR has been registered but accused is not taken into custody. Prayer is made in this writ petition thereby directing the concerned police authority to take steps in accordance with law.
3. State respondents are represented by learned advocate.
4. Since FIR has been registered and investigation is going on at this stage this Court is not inclined to interfere with the writ petition in exercise of jurisdiction under Article 226 of the Constitution of India.

5. Reliance is placed on the judgment of Hon'ble Supreme Court reported in **2026 SCC OnLine SC 798 (Sujal Vishwas Attavar and Anr. Vs. State of Maharashtra and Ors.)**. In paragraph 7 of **Sujal Vishwas Attavar (supra)** it was succinctly decided by the Hon'ble Supreme Court that after registering FIR if proper steps are not taken in connection with the investigation in that event remedy does not ordinarily lie in invoking the writ jurisdiction in the first instance but aggrieved person is required to approach jurisdictional Magistrate within four corners of statute.
6. In view of availability of alternative remedy present writ petition is not entertained and same stands dismissed.
7. However, this order shall not preclude the petitioner to approach the jurisdictional Magistrate in pursuit of remedy.
8. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)