

In The High Court at Calcutta
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 15261 OF 2026

BHAKTI BINOD PAL
VS.
THE STATE OF WEST BENGAL AND OTHERS
.....

Mr. Sabyasachi Hazra, Adv. *...For the Petitioner*
Ms. Suchitra Sinha Chatterjee, Adv.
Ms. Riya Ballav, Adv. *...For the State*

1. Learned advocate representing the petitioner submits that representation of the petitioner dated 16th April, 2026 is not transformed into FIR prompting the petitioner to approach this Court with the present writ petition praying for a direction upon the concerned police authority to initiate criminal proceeding.
2. Ms. Suchitra Sinha Chatterjee, learned advocate is requested to represent the State respondents.
3. It is submitted on behalf of the State respondents that there is an alternative remedy available to the petitioner by approaching jurisdictional Magistrate under Section 175 (3) of BNSS, 2023.
4. If petitioner is aggrieved by in-action on the part of the concerned police authority in initiating criminal prosecution by registering FIR, in that event, petitioner is required to approach jurisdictional Magistrate under Section 175 (3) of BNSS, 2023.
5. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court reported in **(2007) 6 SCC 171 (Aleque Padamsee and others vs. Union of India and others)**.

6. Due to 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. Parties to act on the server copy of this order duly downloaded from the official website of this court.

(SAUGATA BHATTACHARYYA, J.)