

Kamal Bera

-vs-

The State of West Bengal & Ors.

Mr. Bibhaswan Bhattacharya,
Mr. Masrur Ahamed,
Mr. Serajus Salekin

....for the petitioner.

Mr. Samrat Mukherjee,
Mr. Nilendra Narayan Ray,

....for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Matter is heard in presence of the learned advocates representing the petitioner and State respondents.
3. Learned advocate representing the petitioner submits that though based on a complaint FIR was drawn up and a criminal prosecution being Baranagar Police Case No.261/2025 dated 24th July, 2025 was initiated but there is inaction on the part of the concerned police authorities to take the criminal prosecution to its logical conclusion by submitting report before the jurisdictional Magistrate.
4. From the case made out in this writ petition, it appears that petitioner is aggrieved by inaction on the part of the concerned police authorities.

Therefore 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 **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 after registering FIR if proper investigation is not being carried out then remedy does not ordinarily lie in invoking writ jurisdiction in the first instance but party has to approach under the statutory framework unless of course urgency of the circumstances warrant otherwise.
7. Hence, present writ petition is not entertained and same stands dismissed.
8. However, this order shall not preclude the petitioner to approach appropriate forum in pursuit of remedy.
9. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)