

W.P.A. 15375 of 2026

Sanjay Gupta

-vs-

The State of West Bengal & Ors.

Mr. Gourav Gupta,
Mr. Maitreyee Naskar

....for the petitioner.

Ms. Pritha Dudhuria,
Mr. Amit Dey

....for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Learned advocate representing the petitioner expresses dissatisfaction with regard to steps taken by the concerned police authorities in connection with Rabindranagar Police Station Case No.36/2026 dated 7th February, 2026.
3. Prayer is made in this writ petition for giving direction upon the concerned police authorities for taking necessary steps in order to take the investigation to its logical conclusion
4. Learned advocate representing the State respondents submits that there is an alternative remedy available to the petitioner under Section 156(3) of Cr.P.C. which corresponds Section 175(3) of BNSS, 2023 by approaching jurisdictional Magistrate.

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. In view of observations made in aforesaid recent judgment of 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 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.)