

Manish Sharma
-vs-
The State of West Bengal & Ors.

Mr. Daanish Haque,
Mr. Abdul Zahid,
Mr. Rahul Chachan

....for the petitioner.

Mr. Nilendra Narayan Ray,
Mr. Soumen Gayen

....for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Learned advocate representing the petitioner submits that in spite of lodging complaint alleging police excess and attempt being made to convert a civil dispute into a criminal dispute, no steps have been taken by the concerned police authorities.
3. State respondents are represented by learned advocates.
4. On posing query to the learned advocate representing the petitioner whether steps were taken to sign on complaint which was forwarded to the concerned police authorities vide email letter dated 8th May, 2026, this Court does not get satisfactory reply.
5. Having considered the case made out in the writ petition Court finds that petitioner is primarily

dissatisfied with inaction on the part of the concerned police authorities in taking steps based on the complaint lodged.

6. First email letter of the petitioner dated 8th May, 2026 was not signed in terms of Section 173(1)(ii) of BNSS and if Court proceeds on the premise that there was a valid complaint lodged before the concerned police authorities making certain allegations and that was not looked into, in that event petitioner is required to take recourse to the provisions as contained under Section 173(4) of BNSS, 2023. Petitioner has also an alternative remedy to approach jurisdictional Magistrate under Section 175(3) of BNSS, 2023.
7. 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.)**.
8. In aforesaid conspectus, no relief is granted to the petitioner and writ petition stands dismissed.
9. However, this order shall not preclude the petitioner to approach appropriate forum in pursuit of remedy.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual

undertakings.

(Saugata Bhattacharyya, J.)