

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION

(Appellate Side)

W.P.A. 21853 OF 2026

SAADHANA GHOSH AND ANOTHER

VS.

THE STATE OF WEST BENGAL AND OTHERS

.....

Mr. Debangshu Bandhu, Adv.
Mr. Ivan Roy, Adv.
Mr. Kaustabh Banerjee, Adv.

...For Petitioners

Mr. Biswajit Mukherjee, Adv.
Mr. Vinayak Choubey, Adv.

...For State

1. Affidavit-of-service filed on behalf of petitioners is taken on record.
2. Having heard the learned advocates representing petitioners and State respondents, it appears that as per prayer (a) petitioners have prayed for direction upon the concerned police authority to register FIR based on complaint lodged.
3. According to petitioners, there is in-action on the part of concerned police authority requiring intervention by this Court by entertaining this writ petition.
4. There is an alternative remedy available to petitioners to approach jurisdictional Magistrate under Section 175(3) of BNSS, 2023 in the event complaint is not transformed into FIR. In this regard, reliance is placed on judgment of the Hon'ble Supreme Court reported in **(2007) 6 SCC 171 (Aleque Padamsee and others vs. Union of India and others)**.
5. Due to availability of alternative remedy, present writ petition is not entertained and same stands dismissed.

6. However, this order shall not preclude petitioners to approach jurisdictional Magistrate in pursuit of remedy.
7. Parties to act on the server copy of this order duly downloaded from the official website of this court.

(SAUGATA BHATTACHARYYA, J.)