

FIRST INFORMATION REPORT (Under Section 154 Cr. P.C.)

West Bengal Form No. 27

5988



1. District Darjeeling P.S. Siliguri Year 2025 FIR No. 580/25 Date 01/9/25
2. (a) Act BNS Sections 124(2)/115(2)/316(2)/318(2)/331(1)/336(2)/338/339/340(2)/741
(b) Act BNS Sections 351(2)/61(2) (v) Others Acts & Sections _____
3. (a) Occurrence of offence : Day Friday Date From 18/4/25 Date To _____
Time Period _____ Time From _____ Time To 20.05 hrs
(b) Information received at P.S. Date 01/9/25 Time 20.05 hrs
(c) General Diary Reference : Entry No (s) 40 Written / Oral _____

4. Type of Information Written
5. Place of Occurrence : (a) Direction and Distance from P.S. 01 K.M North Beat No. _____
(b) Address 146, M.G. Road, Khalsara, Ward no-9, Khalsara
P.S. Siliguri Dist- Darjeeling.
(c) In case outside limit of this Police Station, then the
Name of the P.S. _____ District _____

6. Complainant / Informant :
(a) Name Bimal Kumar Mitzuka
(b) Father's / Husband's Name Syam Brij Mohan Mitzuka
(c) Date / Year of Birth _____ (d) Nationality Indian
(e) Passport No. _____ Date of Issue : _____ Place of Issue _____
(f) Occupation _____
(g) Address 146, M.G. Road, Khalsara, W no-9, P.S. Siliguri Dist- Darjeeling

7. Details of known / suspected / unknown accused with full particulars
(Attach separate sheet, if necessary) :
① Anil Kumar Mitzuka - Sym Brij Mohan Mitzuka,
② Sarita Devi Mitzuka - w/o Anil Kumar Mitzuka
③ Soupar Mitzuka - S/O Anil Kumar Mitzuka, above
resident of 146, M.G. Road, Khalsara, P.S. Siliguri, Dist- Darjeeling

8. Reasons for delay in reporting by the Complainant : _____

9. Particulars of properties stolen / involved (Attach separate sheet, if necessary) :

10. Total value of properties stolen / involved _____

11. Inquest Report / U.D. Case No. If any _____

12. FIR Contents (Attach separate sheets, if required) : The original written court complaint
only forwarded by Lt. Asst. Siliguri side misc petition no-29/25
at P.S. 14/9/25 at 30/8/25 of the complainant which
is treated as FIR is attached herewith.

13. Action Taken : Since the above report reveals commission of offence(s) as mentioned at item No. 2, Registered the case and took up the
investigation / directed S.I. Newton Biswas of KHP TOP, SLA P.S. SL to take up
investigation / refused investigation / transferred to P.S. _____ on point of
jurisdiction. FIR read over to the Complainant / Informant, admitted to be correctly recorded and a copy given to the Complainant /
informant free of cost.

14. Signature / Thumb impression
of the Complainant / Informant
on 02/9/25 at 10.05 hrs,
15. Date & Time of despatch to the court : _____

Inspector Incharge
Signature of S.I. Newton Biswas Police Station
Name : S.I. Newton Biswas
Rank : No. S.I. of Police, SLA P.S. SL
dt 01/9/25

In the Court of Ld Additional Chief Judicial Magistrate
Siliguri

[Copy of Order]



Misc. petition 29 /2025
CIS Registration No. 25/2025
WB01092
CNR: WBDJ0E-00 2306-2025

Order dtd. 21.05.2025

Petitioner is present by filing hazira.
Received report from I/C Siliguri PS.
Perused the report.

I find that it is a fit case for investigation and accordingly, I direct the I/C Siliguri PS to cause investigation into the allegation by treating the petition of complaint as FIR in terms of section 175 (3) of BNSS and submit compliance report.

Let a copy of this order along with the original petition be sent to the I/C Siliguri PS for compliance and necessary action, after retaining a copy of such petition.

A compliance report be sent to this Court on or within the next date fixed.

Let the Misc. case be dropped.

To 24.06.2025 for report of compliance.

D & C by me,

ACJM, Siliguri

ACJM, Siliguri

N.O. - 11/11/2025.

Copy forwarded to I/C Siliguri P.S.

P. No. - 1494/25

Dt. - 30/08/2025.



IN THE COURT OF LEARNED ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, AT SILIGURI

REF: MISC. PETITION NO. 29 / 2025

IN THE MATTER OF : AN APPLICATION U/S - 173(4) read
with Section 175(3) of BNSS.

NAME & ADDRESS OF
THE COMPLAINANT : SRI BIMAL KUMAR MITRUKA
Son of Late Brij Mohan Mitruka,
Karta of Bimal Kumar Mitruka and
Others (HUF), permanent resident of
146, M.G. Road, Khalpara, Ward No.
9 of Siliguri Municipal Corporation,
P.O. & P.S. - Siliguri, District -
Darjeeling, West Bengal - 734005.

C.No. - 2304/2025

D. - 27/04/2025

CNR. WDDJ0600-3062025

R.No. 25/2025

NAME & ADDRESS OF
THE ACCUSED
PERSONS : 1. SRI ANIL KUMAR MITRUKA,
Son of Late Brij Mohan Mitruka,
2. SMT SARITA DEVI MITRUKA
Wife of Sri Anil Kumar Mitruka

3. SRI SOURAV MITRUKA
Son of Sri Anil Kumar Mitruka

Solemnly Affirmed & Declared
before me on Identification

Kanchar Bhadra
NOTARY
Siliguri

All are residents of 146, M.G.
Road, Khalpara, Ward No. 9 of
Siliguri Municipal Corporation,
P.O. & P.S. - Siliguri, District -
Darjeeling, West Bengal - 734005.

NAME & ADDRESS OF
THE WITNESSES : 1. SMT SHALINI MITRUKA,
Wife of Bimal Kumar Mitruka,

146, M.G. Road, Khalpara, Ward
No. 9 of Siliguri Municipal
Corporation, P.O. & P.S. - Siliguri,
District - Darjeeling, West Bengal
- 734005.

2. SMT SHOBHA BARMAN,

Received today 01/9/25 at 20.05 hrs
vide LdE No - 40 and started SLH P.S. case
No - 580/25 dt 01/9/25 U/s 126(2)/115(2)/
316(2)/318(2)/331(1)/336(3)/338/339/340(2)/
74/351(2)/61(2) BNSS and endorsed to SI
Newton Biswas of KJP TOL for investigation

Inspector in Charge
Siliguri Police Station
Siliguri Police Commissionerate



Wife of Joybir Barman,
Resident of Porajhar,
Bhaktinagar, P.O. & P.S. -
Bhaktinagar, District - Jalpaiguri,
West Bengal - 734015.

&

OTHERS

**OFFENCES
COMMITTED**

: U/S - 115/316(2)/318/331/336(3)
/338/339/340/3(5)/61(2) of
Bharatiya Nyaya Sanhita, 2023.

The complainant above named begs to state as follows :-

1. That the Complainant is a law abiding and peace loving citizen of this country.
2. That since more than 40 (forty) years back, a partnership firm had been constituted under the name and style 'M/s Biswanath Champalal' amongst the predecessors of the complainant and from time to time the said partnership firm had been reconstructed, sometimes due to the death of the partners and sometimes for the retirement of the partners and introduction of the new partner or partners in accordance with the due process of law.

3. The said partnership firm had been reconstructed amongst the father of the complainant namely Brij Mohan Mitruka (since deceased), the accused person no. 1 and Sri Prem Prakash Mitruka and the complainant (representing as Karta of the HUF) and the said reconstruction was the last indenture and since the date of the said reconstruction said partnership firm M/s Biswanath Champalal had/have started to conduct the lawful business with the profit sharing ratio of 25% each with good reputation in accordance with the terms and conditions as laid down in the original deed of partnership of reconstruction.

4. That the accused person no. 1 being the elder son of the family and being entrusted by the other partners i.e., the father of the

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before me on Identification
Lanchan Bhadra
NOTARY
Siliguri

complainant, Brij Mohan Mitruka, younger brother namely Prem Prakash Mitruka and the complainant for looking after the day to day business and other day to day affairs of the said partnership firm, the accused person no. 1 had/has accepted the said entrustment and operating the business of the said partnership firm.



5. That father of the complainant Brij Mohan Mitruka (since deceased) as one of the partner of the said partnership firm had died on 25.04.2023 and after his demise, there was no further reconstruction of the said partnership firm and the complainant had/have always relied upon the accused person no. 1 and he has always assured the complainant that the said partnership is making the profit well.

6. That very recent the complainant came to know that the accused person no. 1 has removed the complainant from the said partnership firm showing the said HUF as retired and the complainant also came to know that for the purpose of the said purported retirement, the signature of the complainant as the Karta of the said HUF has been forged by the accused person no. 1 in connivance with his wife i.e., the accused person no. 2 and his son i.e, the accused person no. 3 respectively and after the said purported retirement/removal, the accused person no. 1 has reconstructed the new partnership deed by introducing the accused person no. 2 and 3 as the new partners therein.

7. That the accused person no. 1 has relied the said purported partnership deed of reconstruction for the purpose of submitting the income tax return and for obtaining the audit report and submission of the false and fabricated statements before the concerned department knowingly well that the partnership deed has been purportedly manufactured and prepared to deceive the lawful interest of the complainant.

Annly Affirmed & Declared
before me on Identification

Kanchan Bhadra
NOTARY
Siliguri

8. That the said illegal and fraudulent deliberate act and activities from the end of the accused persons, the complainant being the Karta of the HUF and a family member did not want to proceed against the accused persons in the court of law considering the family reputation, goodwill and other legal consequences and hazard and for avoiding the above-mentioned complication the complainant had served a legal notice on 17.03.2025 to the

complainant, Brij Mohan Mitruka, younger brother namely Prem Prakash Mitruka and the complainant for looking after the day to day business and other day to day affairs of the said partnership firm, the accused person no. 1 had/has accepted the said entrustment and operating the business of the said partnership firm.

5. That father of the complainant Brij Mohan Mitruka (since deceased) as one of the partner of the said partnership firm had died on 25.04.2023 and after his demise, there was no further reconstruction of the said partnership firm and the complainant had/have always relied upon the accused person no. 1 and he has always assured the complainant that the said partnership is making the profit well.
6. That very recent the complainant came to know that the accused person no. 1 has removed the complainant from the said partnership firm showing the said HUF as retired and the complainant also came to know that for the purpose of the said purported retirement, the signature of the complainant as the Karta of the said HUF has been forged by the accused person no. 1 in connivance with his wife i.e., the accused person no. 2 and his son i.e., the accused person no. 3 respectively and after the said purported retirement/removal, the accused person no. 1 has reconstructed the new partnership deed by introducing the accused person no. 2 and 3 as the new partners therein.
7. That the accused person no. 1 has relied the said purported partnership deed of reconstruction for the purpose of submitting the income tax return and for obtaining the audit report and submission of the false and fabricated statements before the concerned department knowingly well that the partnership deed has been purportedly manufactured and prepared to deceive the lawful interest of the complainant.
8. That the said illegal and fraudulent deliberate act and activities from the end of the accused persons, the complainant being the Karta of the HUF and a family member did not want to proceed against the accused persons in the court of law considering the family reputation, goodwill and other legal consequences and hazard and for avoiding the above-mentioned complication the complainant had served a legal notice on 17.03.2025 to the

accused persons and another brother Sri Prem Prakash Mitruka and requested therein to remove their illegal act but inspite of receiving the said notice, the accused persons did not respond the same.

9. That on 18.04.2025, the accused person no. 1 and 3 have forcibly entered into the house of the complainant and threatened him by giving the ultimatum to withdraw the said legal notice and also threatened him that if the complainant take any legal step, the accused persons will give a remarkable lesson and on protest as made by the complainant and his wife, Smt Shalini Mitruka, the accused person no. 1 and 3 assaulted the complainant by fist and blows and during the said altercation, they also pushed his said wife and abused her in filthy languages which cannot be uttered in a civilized society and they have damaged the valuable wrist watch of the complainant alongwith other household articles.

10. That the complainant had tried to lodge the written complaint with the local police station but the same has been refused and hence the complainant has lodged a written complaint with the Commissioner of Police, Siliguri Police Commissionerate on 19.04.2025 but till this day no action has been taken by the concerned police authority.

11. That the present complaint is bona-fide one and for the ends of justice.

Under the above circumstances it is therefore prayed that your Honour may graciously be pleased to send this complaint to the Inspector In-Charge, Siliguri Police Station with a direction to investigate the matter after treating this complaint as FIR as per the provision of section 175 (3) of B.N.S.S, 2023 for the ends of justice.

And for this act of kindness your petitioner as in duty bound shall ever pray.

AFFIDAVIT

I, **SRI BIMAL KUMAR MITRUKA**, Son of Late Brij Mohan Mitruka, aged about ____ years, Hindu by religion, Business by occupation, Indian by nationality, Karta of Bimal Kumar Mitruka and Others (HUF), permanent resident of 146, M.G. Road, Khalpara, Ward No. 9 of Siliguri Municipal Corporation, P.O. & P.S. – Siliguri, District – Darjeeling, West Bengal – 734005.

1. That I am the complainant of this present case.
2. That the statements made in paragraph no. 1 to 11 are true to the best of my knowledge and belief and rest are my humble submissions before this Learned Court.
3. That no case has been started against the complaint dated 19.04.2025.

I sign this affidavit on this ____ day of April, 2025.

Bimal Kumar Mitruka

Deponent
Identified by me

Advocate