

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

2090



Dist. DSH P.S. Mahigara Year 2021 FIR No. 1187/2021 Date 16.10.2021  
IPE Sections 447/188 (i) Act Sections  
Sections (iv) Others Acts & Sections

3. (a) Occurrence of Offence : Day \_\_\_\_\_ Date From \_\_\_\_\_ Date To \_\_\_\_\_  
Time Period \_\_\_\_\_ Time From \_\_\_\_\_ Time To \_\_\_\_\_  
(b) Information received at P.S. Date 16.10.2021 Time 18.55 h  
(c) General Diary Reference : Entry No(s) 961 Time 18.55 h

4. Type of Information \_\_\_\_\_ Written / Oral  
5. Place of Occurrence : (a) Direction and Distance from P.S. 4 km North Beat No. \_\_\_\_\_  
(b) Address Mouza - Khoplashi JL No-21 Patharuli  
Gram Panchayat P.S. Mahigara Dist. DSH.  
(c) In case outside limit of this Police Station, then the Name of the P.S. N/A District \_\_\_\_\_

6. Complainant / Informant :  
(a) Name Devender Pathak  
(b) Father's / Husband's Name LT Radha Krishna Pathak  
(c) Date / Year of Birth \_\_\_\_\_ (d) Nationality Indian  
(e) Passport No. X Date of Issue \_\_\_\_\_ X Place of Issue X  
(f) Occupation \_\_\_\_\_  
(g) Address Saikhpara Khoplashi (Khoplashi) PO Newdaha PS 174 DSH

7. Details of known / suspected / unknown accused with full particulars  
(Attach separate sheet, if necessary) : 1) Dhurba Kumar Pathak SO  
LT Radha Krishna Pathak Saikhpara Manekshaw  
Mans near first step Nursery school  
Khappi Khoplashi

8. Reasons for delay in reporting by the Complainant / Informant \_\_\_\_\_

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 complaint  
which is treated as FIR is enclosed here with  
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 ASST Subhash Bhadra Jaiswal to take up  
investigation / refused investigation / transferred to P.S. of Mahigara P.S. Police Station 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  
Noted in original complaint.  
15. Date & Time of despatch to the court : 17.10.2021 at 11.00

Signature of the Officer-in-Charge, Police Station  
[Signature]  
Name : Asst Subhash Bhadra Jaiswal  
Rank : No. SI of Police  
Mahigara PS / SPE

To,  
The Officer-in-Charge,  
Matigara Police Station,  
Matigara, Siliguri,  
District – Darjeeling

Sub: F.I.R against violation of Injunction Order.

Sir,

I, Sri Devender Pathak, son of Late Radha Krishna Pathak resident of Sainikpuri, Khaprail (Khopalashi), Post Office – New Chumta, Police Station – Matigara, District – Darjeeling, Pin – 734 009 in the state of West Bengal would like to lodge this complaint stating as follows:-

1. That on 05.08.2021 I have filed one Title (Partition) Suit being No. 79/2021 before the Ld. Civil Judge, Senior Division at Siliguri against SRI DHRUB KUMAR PATHAK, son of Late Radha Krishna Pathak resident of Sainikpuri, Manekshaw Marg, Near First Step Nursery School, Khaprail (Khopalashi), Post Office – New Chumta, Police Station – Matigara, District – Darjeeling, Pin – 734 009 in the state of West Bengal & Others for partition, declaration separate possession, injunction and consequential reliefs of a plot of land measuring about 11 Kathas along-with a one storied pucca residential building measuring about 1000 Sq. Ft. (approx) and a tin shed structure measuring about 400 Sq. Ft. appertaining to and forming part of Plot No. 345 & 345/452 recorded in Khatian No. 188 & 382 situated at Mouza – Khopalashi, J.L.No. 21, Touzi No. 8 within Patharghata Gram Panchayat, Police Station – Matigara, District – Darjeeling.
2. That after hearing of injunction application the Ld. Court was pleased to pass an order of injunction stating as follows “both the parties of this suit are hereby are hereby directed to maintain status quo in respect of the nature, character and possession of the suit property as on this day till 28.09.2021”.
3. That thereafter on the next date i.e., on 28.09.2021 SRI DHRUB KUMAR PATHAK i.e., the Defendant No. 1 after receipt of summons from the Ld. Court appeared in the said Title (Partition) Suit being No. 79/2021 by and through his engaged counsel to contest the case and the said order of injunction was duly extended by the Ld. Court till 15.11.2021.

4. That today very surprisingly and shockingly I found that the said SRI DHRUB KUMAR PATHAK i.e., the Defendant No. 1 of the suit by violating the order of the Ld. Court most illegally has started construction upon the roof of the property and has installed tin shed upon the same by erecting pucca pillars, he has also erected pucca pillars upon the vacant land adjacent to the one storied building which was lying vacant at the time of filing of the instant suit.
5. That the SRI DHRUB KUMAR PATHAK i.e., the Defendant No. 1 has willfully disregarded the order of the Ld. Court and is looking for an opportunity to grab and/ or enjoy, occupy and possess the same alone by depriving me from my legal right, title and interest upon the same.
6. That the order of the injunction passed by the Ld Civil Judge, Senior Division Siliguri is required to be maintained by SRI DHRUB KUMAR PATHAK i.e., the Defendant No. 1 of the suit and without police help it is very much difficult for me to restrain SRI DHRUB KUMAR PATHAK i.e., the Defendant No. 1 from continuing illegal construction works by willfully neglecting and/or violating the order of the Ld. Court.

Your good office is therefore requested to look into the matter seriously and also please take some appropriate strong legal steps against SRI DHRUB KUMAR PATHAK i.e., the Defendant No. 1 of the aforesaid suit and restrain him from carrying on said illegal construction works so that the order of injunction passed by the Ld. Court in Title (Partition) Suit No. 79/2021 can be maintained properly for the ends of justice.

Thanking you,

Yours faithfully,

Devender Pathak

(Devender Pathak)

Mob - 9064663532

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Enclosures:

1. Photocopy of Plaintiff of Title (Partition) Suit No. 79/2021.
2. Photocopy of Injunction application of Title (Partition) Suit No. 79/2021.
3. Photocopy of Court Searching stating injunction order is in force till 15.11.2021.

Received on 16.10.2021 at 18.55h  
 W/o GDE No 961 dt 16.10.2021 and  
 started Mahagan PS Case no 1187/2021  
 dt 16.10.2021 u/s 447/188 IPC and  
 endow to A/S Sushuh Bhesu  
 Tomy for its investigation

Officer in-Charge  
 Mahagan Police Station  
 - Police Station