

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

Dist. Darjeeling P.S. Siliguri Year 2021 FIR No. 1313/21 Date 10.11.2021

(i) Act 9PC Sections 148/506/327/379/34 (ii) Act 379/34 Sections

(iii) Act Sections (iv) Other Acts & Sections

[a] Occurrence of Offence : Day Date From 01.7.1991 Date To 09.11.2021

Time Period Time From Time To evening

[b] Information received at P.S. Date on 10.11.21 Time 18.25 hrs

[c] General Diary Reference : Entry No. (s) 556 Time 18.25 hrs

Type of Information : Written / Oral

Place of Occurrence : (a) Direction and Distance From P.S. Beat No.

[b] Address Kanailal Zutta Road, Hamimpara

PS- Siliguri, Dist- Darjeeling

[c] In case outside limit of this Police Station, then the

Name of the P.S. District

Complainant / Informant :

[a] Name Shri Bhupen Paul

[b] Father's / Husband's Name Sh. Upendra Mohan Paul

[c] Date / Year of Birth [d] Nationality

[e] Passport No. Date of Issue Place of Issue

[f] Occupation

[g] Address Kanailal Zutta Rd, Hamimpara, PS- Siliguri, Dist- Darjeeling

Details of known / suspected / unknown accused with full particulars

(Attach separate sheet, if necessary):

(i) Sri Shesankha Paul (ii) Smt. Kanan Paul and (iii) Shymal Paul
(iv) Smt. Ananta Paul

Reasons for delay in reporting by the Complainant / Information

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

Total value of properties stolen / involved

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

FIR Contents (Attach separate sheet, if required) The original written Complaint of the Complainant is treated as FM which enclosed herewith.

Action taken : Since the above report reveals commission of offence(s) as mentioned at item No.2, registered the case and took up to the investigation / directed PSI Gazi Nakam to take up investigation / refused investigation / transferred to P.S. Siliguri 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.

10/11/2021

Signature / Thumb impression of the Complainant / Informant

Signature of the Officer-in-Charge, Police Station

Date & Time of despatch to the court 10-11-21 at 10.30 h.

Name Ranjit Chakraborty
Rank SI No. Police

To
The Officer-In-Charge,
Panitanki TOP,
Under Siliguri Police Station,
Siliguri, Dist Darjeeling.

Dated:- 10/11/21

Sub:- F.I.R.

Respected Sir,

With due respect I, **SRI BHUPEN PAUL**, Son of Late Upendra Mohan Paul, Resident of Kanailal Dutta Road, Hakim Para, Siliguri, P.O. & P.S. Siliguri, Dist. Darjeeling, Pin: 734001, would like to lodge this written complaint to the effect that Upendra Mohan Paul (Since Deceased), Son of Late Gopal Chandra Paul was my deceased father and we are four brothers and five sisters and all are married and resided with their respective family members. Sir, my father Upendra Mohan Paul (Since Deceased), was the absolute owner of land measuring (1) 13.3-decimals or 7-kathas 10.5-chhataks i.e. land measuring (1) 3 Kathas 10½ Chhataks appertaining to and forming part of L.R. Plot No. 4371, recorded in Khatian No. 5425 of Mouza - Siliguri, J.L. No. 92, under P.S. Siliguri, Dist. Darjeeling, (2) 2 Kathas or 0.03 acre, appertaining to and forming part of Plot No. 10422, recorded in Khatian No. 3326, of Mouza - Siliguri, J.L. No. 110(88), under P.S. Siliguri, Dist. Darjeeling and (3) 2 Kathas, appertaining to and forming part of Plot No. 10419, recorded in Khatian No. 3064, of Mouza - Siliguri, J.L. No. 110(88), under P.S. Siliguri, Dist. Darjeeling and he had acquired the same by virtue of three separate Deeds of Conveyance, executed by Sri Manindra Mohan Paul, Sri Bhabakanta Moitra, Jatidra Mohan Paul and Sri Manindra Mohan Paul and the same were registered in the Office of the then Sub-Registrar, Siliguri being Document Nos. I - 2481 for the year of 1954, I- 1790 for the year of 1966 and dated 23.11.1973 and subsequently, our deceased father constructed a dwelling house consisting with single storied 5 rooms and one tin shed structure on his aforesaid land and since then our father Upendra Mohan Paul (Since Deceased) was possessing and enjoying and occupying the same having permanent right, title and interest therein, free from all encumbrances and charges whatsoever. It is to be mentioned here that at the time of constructing the house, my deceased father incurred the major portion of the expenses and being the son, I have also incurred a huge amount for constructing the front portion of the building of the said property. During the continuous possession of the aforesaid properties, our father Upendra Mohan Paul died on 01.07.1991 and our mother Basanti Rani Paul also died on 27.11.1997, leaving behind myself, my three brothers namely Sri Shasankha Paul, Sri Swapan Paul, Sri Tapan Paul and five sisters namely Smt. Prava Paul, Smt. Laxmi Barman, Smt. Pranati Kundu, Smt. Manika Banik, Smt. Purnima Paul as their only legal heirs to inherit their moveable and immovable properties including the aforesaid properties as per the provision of the Hindu Succession Act, 1956. Sir, after the death of our

Received on 10.11.21
At 18.25 hrs. vide
SCJ PS GDE NO-556
Dt. 10.11.21
SCJ PS Case no -
1313/21 Dt. 10.11.21
WJ 448/506/323/
375/34 GPC

10/11/21
Inspector
Siliguri

Sir
Received on 10/11/21 at 17.45
vide Panitanki T.O.P. G.O.S.
no. 192 dt. 10/11/21 and
forwarded the same to S.K.
Siliguri P.S. for further
C.O. vide order dated
10.11.21. A/c. ASI Razi Raha
own will of investigation
the case in anticipation
of kind approval.

10/11/21
Officer-in-Charge
PANITANKI TOP
P.S. Siliguri
Dist. Darjeeling

Bhupen Paul

father and mother, I along with my three brothers and five sisters became the joint owners of the aforesaid properties, together with a House Structure standing thereon, having 1/9th share each of the said aforesaid properties and thereby, we became the absolute joint owners of the aforesaid properties, having in equal 1/9th undivided share each.

After the death of our father and mother, our one brother Sri Shasankha Paul has been possessing and occupying the major portion of aforesaid properties in his possession forcefully and he always refused to give the right of share of the aforesaid properties to the other brothers and sisters, which we have acquired by virtue of inheritance after the demise of our father and mother. Thereafter, I along with other my two brothers and five sisters, being the joint owners of the aforesaid properties, having 1/9th share each, have requested my said brother Sri Shasankha Paul on repeated and several occasions and tried to convince him and we have also personally requested him either to make amicable partition of the aforesaid properties owned by us or to vacate the portion of share of land of the other legal heirs but our said brother Sri Shasankha Paul along with his wife Smt. Kanan Paul and their son Sri Shyamal Paul and his wife Smt. Amrita Paul have refused to accept the said proposal and did not pay any heed to our said request and started to avoiding us for the reason best known to them and on contrary, Shasankha Paul along with his family members, have started to threatening me and my other brothers and sisters with dire consequences. Sir, finding no other alternative, I along with my other two brothers and five sisters, have instituted a suit being Title Suit No. 91/2012 before the Court of the Ld. Civil Judge, Senior Division, at Siliguri praying for partition, injunction and other consequential relief and after receiving summon, said Shasankha Paul has also put his appearance in the said suit and subsequently, he told us to settle the disputes amicable and also requested us to amicable partition as he is ready and willing to make amicable partition with respect to the aforesaid properties, and after receiving such type of assurance from him, we the other legal heirs, did not take proper steps in the said suit filed by us and finally, the said suit was dismissed due to the non prosecution. Sir, after dismissal of the said suit, we, being the 8/9th share holder of the aforesaid properties, have again requested Shasankha Paul on several occasions for making amicable partition of the aforesaid properties but every time, he delayed the matter on different pretexts and also started to avoid us for making the amicable partition and lastly on 12.09.2021, when I along with the other legal heirs requested him for making the amicable partition of the aforesaid properties, said Shasankha Paul along with his family members as mentioned above in conspiracy with others, have started to misbehave with us and also denied to make partition and on contrary, they started to threaten us with dire consequences by saying that if we come again with the proposal for amicable partition of the aforesaid properties, they will not hesitate to ruin our life and property and also implicate us in a false criminal case. Thereafter, finding no other alternative, I along with

B. S. Paul

my other two brothers and five sisters, sent a Legal Notice through our engaged Lawyer **SRI CHINMOY SAHA** to said Shasankha Paul for amicable partition of the aforesaid properties and he has duly acknowledge the said notice and thereafter, he has also made a vague reply to the said legal notice and also refused to make any amicable partition of the aforesaid properties. After receiving the said notice, said Shasankha Paul along with his family members became more furious and started to create inhuman torture upon us and day by day, with an intention to capture the entire properties of our deceased parents and when we tried to make protest against their said illegal acts, they became violent and threatened us with dire consequences. **On 09.11.2021, in the evening time, when I along with my son have visited the said property with an intention to take the materials from the godown room situated therein, we found and noticed that the lock of the said godown room is in a broken condition and we also noticed after entering into the godown room that the business materials of my shop are also missing and seeing the said situation, when I asked them about the said broken padlock, they were not agreed to give any specific reply and on contrary, they started to threaten me and my son with dire consequences and when we raised our objection against their said illegal acts, they became more furious and my brother Shasankha Paul and his son Shyamal Paul wrongfully confined us and started to assault us with fist and blows and threatened us to leave the property immediately, otherwise, they will ruin our life and property. Not only that, the wife of my brother namely Smt. Kanan Paul and their daughter-in-law Smt. Amrita Paul abused and threatened us with dire consequences and they also threatened us by saying that if we again try to enter into the property or to claim the share of the property, they will not hesitate to implicate us and others in a false criminal case incorporating a false story taking the advantage of female gender and finally, due to their threat and abuse, we left the place and it is our strong believe that my brother and his family members as mentioned aforesaid with a malafide intention to capture the entire property have **broken the padlock of my said godown room and shifted/stolen the articles of my shop premises kept therein for their illegal gain** and also in order to create pressure to capture the entire property.**

I, therefore, fervently requesting you to look into the matter properly and please take necessary steps against **Shasankha Paul, his wife Smt. Kanan Paul and their son Shyamal Paul and his wife Smt. Amrita Paul** as per the provision of law and and obliged thereby.

Thanking you,

Yours faithfully

Bhupen Paul

(SRI BHUPEN PAUL)

Mobile No. 97496-82370.

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