

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)



P.S. Bhaktinagar Year 2022 FIR No. 165/22 Date 02/02/2022

Sections (i) Act IPC Sections 406

Sections (iv) Other Acts & Sections

(a) Occurrence of Offence : Day Date From Date To Time Period Time From 15/02/18 Time To 14/01/2018

(b) Information received at P.S. Date 02/02/2022 Time 20.15 hr

(c) General Diary Reference : Entry No. (s) 104 Time 20.15 hr

Type of Information : Written/Oral

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

(b) Address Shop No FF OGA at first floor, "JEEVAN DEEP" Sevoke Road, PO Salagan, PS Bhaktinagar, Jajpurguri

(c) In case outside limit of this Police Station, then the

Name of the P.S. District

Complainant/Informant :

(a) Name Sri Binoda Minda

(b) Father's / Husband's Name SIO U Punam Chand Minda

(c) Date / Year of Birth (d) Nationality Indian

(e) Passport No. Date of Issue Place of Issue

(f) Occupation

(g) Address Sunny Tower, 2nd Floor, Siliguri

Details of known/suspected/unknown accused with full particulars

(Attach separate sheet, if necessary):

1. Smt Somita Datta w/o Sri Avishek Datta 2. Mr Avishek Datta 30 Sri Ashok kr Datta and others.

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 which is treated as FIR is enclosed herewith/ reproduced over leaf

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. ASI ASIT SAHA 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.

Notes in original complaint

Signature / Thumb impression of the Complainant / Informant

DR No. 578 DT. 02/02/22

Bhaktinagar Police Station

Date & Time of despatch to the court

Signature of the Officer-in-Charge, Police Station

Name DAWA THERIAK Rank S.I.O.F POLICE No. BKNPSUPC

Sector- P. T. 02/22 Bhaktinagar Police Station Metropolitan Police

Received on 02/02/22 at 20:15 hr vide
C/O NO 104 at 02/02/22 and started BGM
PS case NO 165/22 dt 02/02/22 U/S 40C IPC
and endorsed the same to ASI Amit Saha
for its investigation

02/02/22

Inspector-In-Charge
Bhaktinagar Police Station
Siliguri Metropolitan Police

To
The Inspector In-Charge
Bhaktinagar Police Station
Siliguri

Date: 02.02.2022

Sub: Regarding illegal occupancy, and coercion with respect to my Property

I hereby state the following to your goodself:

1. I am the joint owner of the premises admeasuring 2505 sq.ft. situated at Shop No. FF-06A at first Floor of building named "Jeevan Deep" situated at Sevoke Road P.O. Salugura, Siliguri, Dist. Jalpaiguri, West Bengal, PIN -734008. The Property was licensed to one M/S Teasta with effect from 15.2.2015 to 14.1.2018 duly registered then by its partners: 1. Mrs. Sumita Datta Wife of Shri Avishek Datta. 2. Mr. Avishek Datta, Son of Shri Ashoke Kumar Dutta. 3. Mr. Prosanta Das, Son of Shri Nikhil Chandra Das. 4. Mrs. Santana Das, Wife of Prosanta Das
2. After the lease agreement had expired, we gave a vacation notice dated 3.1.18, to which they wanted time to either renew the Leave and license agreement Or if not agreed on terms, they requested some more time to vacate our premises. Meantime we had requested verbally many times to let us know their decision, but they started paying the Rent which led us us assume that they were interested to continue with tenancy, as they have also asked us to renew the leave and License Agreement. After that we requested Mr. Avishek Datta several times to provide us with valid documents of their partnership deed to renew the Leave and license agreement, as they had changed the cheque signing authority several times. Despite of repeated reminder calls and our representative visit to their Restaurant, they failed to provide us with documentation to renew the agreement and continued to possess the property. Whenever we approached Mr. Avishek Datta he told he was out of town or preoccupied with unavoidable work. We believed in them and always tried to maintain healthy relation, but we were very uncertain about their intentions until the

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Date & Time of despatch

NAME
BKNPSUPC

Police

pandemic arrived in February'2020. Since they wanted to renew the agreement but never came to the forefront to do the same and misguided us.

3. In a Mail dated 16.3.21 Mr. Avishek Datta had put forth their demand of long term tenancy rights, which he had never discussed with us on or before 16.3.21. Such coercion to our property gave us a setback, to which my Father Late Punam Chand Minda aged about 80 years took it as a shock. He was fear stricken, which eventually led to his sad demise on 28.3.2021 within 12 days of receipt of the mail, which he being the head of family considered it as a threat to our property.
4. After the tragic loss of my father, I would like to draw your kind attention towards my mother aged about 77 years who is also a joint owner of our said premises. In her old age, she has this as a source of living and security for her rest of life.
5. Further we also started receiving various complaints from the complex owner as well as the neighbours stating that they have been found in violation of maintenance protocols of the complex such as non-usage of chimney, gas banks unlike other restaurants at the said location, which was hazardous to the society. Such gross negligence of theirs has resulted in endangering my property and that of others staying in that complex. They have been causing nuisance to the neighbours and tarnishing our hard built good image in the society.
6. On another occasion they have stated in writing that I had only two options- either we had to sell our premises to them at a highly under-value decided by them unrightfully or lease out our premises to them for a long duration. Due to such coercion we have lost our peace of mind and everyone is in a state of fear in my house.
7. In various calls and communications wherein, they have stated to me in a very aggressive manner that they will not be vacating the premises no matter what we do and we will have no other option than to sell our property to them. They have also unrightfully mentioned the valuation of our property (**Letter annexed**)
8. We sent them various vacation notices and legal notices asking them to vacate the property by the end of August as we require the same for our personal use. However, they did not respond to any of our mails or letters and continued to illegally possess our property. We once again tried recently by inviting them through mail dated

Date & Time of despatch to the Commissioner Rank S. I. OF POLICE NO.
BKNPSWPC
Station Police

6.1.2022 for meeting of Meditation and sort out the issue amicably through Google Meet, to which they did not respond. On not receiving any response, Our Lawyer called their's to try one last time to resolve the issues mutually , but like always we found them misbehaving and unsupportive with our lawyer.

9. At present they are depositing an amount in account of Mr. Sanjeev Minda since 3-4 months which we are adjusting against our previous dues (Accounts given to them through Legal notices). Our rent is standing due from 1.4.2021 till date. Further they have stopped paying maintenance to the society with effect from 1.4.2021 and availing all benefits of society, and also not cooperating with the management. Even then we have showed courtesy throughout this period and are paying their outstanding maintenance dues to the society.

My family and me are extremely scared and threatened by such letter and communications which have been annexed herein. The letter annexed was received by me from phone number +919434013720. Seeing such an apprehension towards our property and the thought of losing the property which we earned with our hard earned money is causing a lot of mental stress to me.

Thus, we request your good self for your immediate intervention in the matter as we have tried all means from our end to solve the matter mutually. But it has led to no result as they are not turning up in any means. Further the threatening tone of Mr. Avishek Datta and his statement that he will take over my property in long run and forcing us to make agreement for term of 15 years is causing personal trauma to us and making us feel unsafe about our property.

Yours Sincerely

Binod Minda s/o (t Punam chow) Minda.
98320-66377 of Sunny Tower 2nd mile
94340-66377 ps Bhakhnagar. Siliguri
dt 02/02/2022

Copy to:

Commissioner of Police Malaguri

Siliguri Police Commissionerate

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Date & Time of despatch to the Commissionerate

Rank S.I.O.F POLICE No.
BKNPSBPC

Station
Police