



FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

1598

1. Dist. Phalguni Year 2022 FIR No. 237/22 Date 26/02/2022
2. (i) Sections IPC (ii) Act IPC Sections 406/420/468
- (iii) Act — Sections — (iv) Other Acts & Sections —
3. [a] Occurrence of Offence : Day — Date From 31/01/20 Date To —
- Time Period — Time From — Time To —
- [b] Information received at P.S. Date 26/02/2022 Time 20:35 hr.
- [c] General Diary Reference : Entry No. (s) 1273 Time 20:35 hr.
4. Type of Information : Written/Oral
5. Place of Occurrence : (a) Direction and Distance from P.S. — Beat No. —
- [b] Address Space Town, Sevoke Road, Siliguri
- [c] In case outside limit of this Police Station, then the
- Name of the P.S. — District —
6. Complainant/Informant : M
- [a] Name Sri Ashok Kumar Ashok Kumar Agarwal
- [B] Father's / Husband's Name Sri Biswanath Shah Shah
- [c] Date / Year of Birth — [d] Nationality Indian
- [e] Passport No. — Date of Issue — Place of Issue —
- [f] Occupation —
- [g] Address N 3, Space Town, Sevoke Road, Siliguri
7. Details of known / suspected / unknown accused with full particulars
- (Attach separate sheet, if necessary):
- Mrs Ashok Kumar Khemka of P.T. Road, Dibrugarh
- Assam, P.O. + P.S. Dibrugarh, Dist: Dibrugarh.
8. Reasons for delay in reporting by the Complainant/Information
-
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 herewith / reproduced over leaf
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. D.N. BAKSHI to take charge investigation / refuse investigation / transferred to P.S. — on 26/02/22 jurisdiction. FIR read over to the Complainant/Informant, admitted to be correctly recorded and a copy given to the Complainant/Informant free of cost.
- Inspector-in-Charge
Bhaktinagar Police Station
Siliguri
- Noted in original complaint
14. Signature / Thumb impression of the Complainant / Informant
- Signature of the Officer-in-Charge, Police Station 26/02/22
- Inspector-in-Charge
Bhaktinagar Police Station
Siliguri
- Date & Time of despatch to the court 27/2/22
- DR No. 895 DT 27/2/22
- Complainant's Name DAWA
- Siliguri Police Commissioner's Rank S.I. OF POLICE No. —
- BKN RS / SP

Dated: 26.02.2022

Officer-In-Charge
Panitanki TOP
Sevoke Road, Siliguri - 734001

Received on
26/02/22 at
20.25 hrs vide
G.O. NO 1273
QA 26/02/22
Started BGM PJ
Case NO 237/22
at 26/02/22 U/S
406/420/468 Sir,
IAC and
Endorse with
Smt. to SL
D. N. Bakeshi
for its
investigation
h
26/02/22

Sub: Complaint against **Mr. Ashok Kumar Khemka and the current directors of Gatik Tea Co. Private Limited**, residing at A. T. Road, Dibrugarh, Assam, P.O. and P. S. Dibrugarh, District: Dibrugarh 786001 (Assam) for committing illegal and unlawful acts of criminal breach of trust, cheating, misappropriation of property, falsification of accounts, forgery etc. against the complainant under Section **420/403/406/418/468** of IPC and any other offence that may be revealed during the investigation.

I, **Ashok Kumar Agarwal**, son of Late Sri Biswanath Shah, resident of N-3, Space Town, Sevoke Road, Siliguri- 734001 is the Karta of Sri A K Agarwal and Sons (HUF) with its registered office at Gopal Bhawan, Church Road, Ward no. 10, Siliguri - 734001 and having its local office situated at Gopal Bhawan, Church Road, Ward no. 10, Siliguri - 734001.

And Swapan Das, Son of Sri Shyam Krishna Das, resident of High School More, Islampur, Uttar Dinajpur (hereinafter referred to as '**Complainants**');

I am the Karta of Sri A K Agarwal HUF and the complainants are the erstwhile directors of Gatik Tea Company Pvt. Ltd. Under compelling circumstances, I am constrained to bring to your attention the unlawful and illegal acts committed by the above named accused persons, the numerous unlawful and illegal acts committed by the abovenamed accused persons, including acts of criminal breach of trust, cheating, falsification of entries in books, misappropriation of property and forgery, against the complainant company and public at large which are punishable under Section 420/403/406/418/468 of IPC.

The brief facts of the present case are as under: -

1. M/s. Gatik Tea Company Private Limited is primarily involved in the business of manufacturing, distribution, processing and

packaging and sale of tea leaves. The registered office of the company is at Gopal Bhawan, Church Road, Siliguri – 734001. The complainant company entered into an agreement with the Accused Purchaser for sale and transfer of the Company by way of transfer of shares for valuable consideration. The Agreement dated 29th January, 2020, *inter alia*, provided for the severance of liabilities between the parties on and from 31st January, 2020. From 1st February, 2020, the Accused Purchaser were to be liable for all payments to be made by the Company including payments of all statutory and non-statutory outgoings. Vide the agreement, the Accused Purchaser obtained access to the books of accounts of the Complainant Company as well as the bank accounts.

2. However, inspite of the agreement having been signed and given effect to and the shares having been transferred in favour of the accused together with control of the company, the accused has failed to release and discharge the complainants herein from the liabilities with Bank of Baroda, Panitanki More Branch in respect of the credit facilities being enjoyed by the company including mortgage of the personal property as also the personal guarantees of the complainants herein.
3. Owing to the unnecessary delay and unwillingness of the Accused Purchaser to perform their obligations, the charge created on the bank account and assets on 23rd March, 2017 is open to this day. Repeated letters have been sent to the bank as well as the Purchaser with regard to the same. Furthermore, the Accused Purchaser is benefiting from the Credit facilities against the collaterals of the Complainant Company.
4. Till date the complainants continue to be the authorized signatory in the bank account for the company. the complainants are still receiving request from the Bank to renew the documents. in fact, it has come to the knowledge the complainants that a board resolution was submitted by the accused to the Bank with the forged signatures of the complainants and the complainants have duly informed the Bank as to the same.
5. The fraud on the Bank was done by submitting a Board Resolution by the Accused Purchasers carrying the signatures of the Complainants. The Complainants had no knowledge of

the same. This action too, was in order to continue to benefit from the security already existing in the name of the Complainants. This act has severely affected the business of the Complainant Company, which was already in a penurious state.

6. It is submitted that the Accused Purchaser has caused a colossal loss to the business of the Company by manipulating and falsifying the accounts of the company and misappropriating funds into their personal accounts in an unlawful manner. Further, resulting from the actions of the said accused person, the company stands to incur a further loss of business.
7. The complainants therefore request your good self to lodge an FIR immediately and take all appropriate steps including calling for further records and intimating all the relevant authorities to take appropriate steps including but not limited to imprisoning the Accused. The present complaint discloses cognizable offences against the Accused Purchasers. I humbly and earnestly request you to register an FIR against the aforesaid accused persons under Sections 420/403/406/418/468 of I.P.C. and investigate the acts which constitute criminal breach of trust, misappropriation of cheating, falsification of accounts and forgery and prosecute the culprit to get him punished as per law.

That the company may be contacted through the above-named person for any and all information as and what may be required to assist your good self.

Thanking You,

Yours faithfully



Ashok Kumar Agarwal
+91 94340-87906