

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

110



S.P.C. P.S. Mahigara Year 2022 FIR No. 310/22 Date 07-03-2022
I.P.C. Sections 406/420/34 ii) Act Sections
Sections (iv) Others Acts & Sections

3. (a) Occurrence of Offence : Day Date From 23rd day April 2022 Date To

Time Period Time From Time To

(b) Information received at P.S. Date 07-03-2022 Time 18:45 hrs

(c) General Diary Reference : Entry No(s) 327 Time 18:45 hr

4. Type of Information Written / Oral

5. Place of Occurrence : (a) Direction and Distance from P.S. 1 KM North Beat No.

(b) Address Uthorayan New Township of Laxmi Township LTD Mahigara PS/SPE

(c) In case outside limit of this Police Station, then the Name of the P.S. N/A District

6. Complainant / Informant :

(a) Name Niharika Mitraka

(b) Father's / Husband's Name Sumit Mitraka

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

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

(f) Occupation

(g) Address Nehru Road Near Shankar More Khalpara PS-Siliguri T.D.J.

7. Details of known / suspected / unknown accused with full particulars

(Attach separate sheet, if necessary) : Aced' Sanjog Tamary, Smt Bhashi Tamary, Smt Malvika Tamary, and Nankul Tamary Das Rai

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 re-produced over leaf.

13. Action taken : Since the above report reveals commission of offence(s) as mentioned at item No. 2, the investigation directed by SI Karshna Ch. Mondal, Mahigara PS/SPE, registered the case at Mahigara Police Station, Siliguri Police Commissionerate, on point of investigation / refused investigation / transferred to P.S. Mahigara PS/SPE. 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
Signature of the Officer-in-Charge, Mahigara Police Station, Siliguri Police Commissionerate
Name : Ananda B. Das
Rank : No. SI of Police
Mahigara PS/SPE

15. Date & Time of despatch to the court
08-03-2022 at 11:00 AM

Dated: _____

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

Dear Sir,

I, Smt Niharika Mitruka, Wife of Sri Sumit Mitruka, resident of Nehru Road, near Shankar more, Khalpara, Post Office and Police Station- Siliguri, District- Darjeeling, PIN- 734005 would like to inform you that in the month of January, 2019 I and my husband received an offer through Sri Sanyog Tamang, Son of Late Madan Tamang and his mother Smt Bharti Tamang, Wife of Smt Bharti Tamang both residents of 26, Gandhi Road, Late Madan Tamang Premises, Near Garg World, Darjeeling, PIN-734101, the joint allottee of the plot of land of Scheme Plot no. C-1410, measuring about 6 (Six Kathas) along with a ground plus one and half storied building constructed on a portion of the said plot of land (a house type SF05) at UTTORAYON, THE NEW TOWNSHIP of Luxmi Township Limited situated within the jurisdiction of Police Station-Matigara, District Darjeeling in the state of West Bengal for the remaining unexpired period of lease of 99 years commencing from the 23rd day of April, 2002 granted under the parent lease land which was proposed to be sold by the then allottees and that they were looking for a prospective buyer/subsequent allottee. My husband Sri Sumit Mitruka, Son of Sri Santosh Kumar Agarwal, thereafter got in touch with one of the joint allottees Sri Sanyog Tamang, Son of Late Madan Tamang and Sri Sanyog Tamang proposed to sell the land to us and we agreed to purchase the same in our joint names. Mr. Sanyog Tamang submitted an application on 10.01.2019 for cancellation and reallocation of the said property to and in our favour. It is pertinent to mention here that basing upon the verbal assurance of Mr. Sanyog Tamang, I and my husband started giving money to Sri Sanyog Tamang and Smt Bharti Tamang. Moreover all fees in connection with the transfer of the land and other miscellaneous charges have also been paid by us. It is pertinent to mention here that on 16.05.2019 an allotment letter to and in our favour was issued bearing no. MKT/UTT/C1410/0703. Further we have paid the total consideration to Sri Sanyog Tamang and his mother Smt Bharti Tamang with an expectation that Sri Sanyog Tamang and his mother Smt Bharti Tamang shall allot and transfer the land to and in our favour in due course of time. In the month of July, 2019 I have been handed over the permission of the DL&LRO Darjeeling wherein the DL&LRO Darjeeling was pleased to allow the assignment of the below scheduled land to and in our favour by way of permission vide memo

no.1840/1/2/DLLRO-DJ/UTTARAYON/19 dated 24.07.2019. After obtaining the DL&LRO permission we were ready and willing to take the registration of the said property and thus requested Sri Sanyog Tamang and his mother Smt Bharti Tamang to hand over the physical possession of the property to and in our favour. Sri Sanyog Tamang and his mother Smt Bharti Tamang requested us to allow them to stay in the house for some time because they would return to Darjeeling soon. We informed them that we would start the interior decoration, to which they responded that they would have no inconvenience if interior work is done in the ground floor. It is pertinent to mention here that we have done all the duties on our part and paid all the amounts as and when demanded by Sanyog Tamang and his mother Smt Bharti Tamang. DL&LRO permission for the registration of the property has also been obtained in our names. We were always ready and willing to take the registration of the same but Sri Sanyog Tamang and his mother Smt Bharti Tamang along with Smt Malvika Tamang, Wife of Sri Sanyog Tamang in connivance and in collusion with each other have not been handing over the possession of property to us on some pretext or the other.

Soon after the completion of the interior work, Smt Malvika Tamang filed cases against Sri Sanyog Tamang and his mother Smt Bharti Tamang. It is evident that Smt Malvika Tamang has filed the cases with the confidence and consent of Sri Sanyog Tamang and his mother Smt Bharti Tamang to create a story which is a part of the conspiracy which they hatched to camouflage the situation to display that Smt Malvika Tamang, Wife of Sri Sanyog Tamang has been occupying the house illegally without the consent of Sri Sanyog Tamang and his mother Smt Bharti Tamang. We have insisted Sri Sanyog Tamang and Bharti Tamang to initiate proper legal recourse for evicting Smt Malvika Tamang from the premises which has been allotted to us, but Sri Sanyog Tamang and Bharti Tamang have taken no proactive steps to evict Smt Malvika Tamang which clearly shows that they are all in connivance with each other to cheat me and my husband. They have taken our hard earned money in full and are now playing tricks with us to cheat us. It is pertinent to mention here that we have spent Lakhs of Rupees for the interior of the house and at that time all three of them became permissive occupiers of the property with an assurance that as and when we say they will vacate the property. However, as soon as the interior work was completed, the drama of marital dispute started and most importantly, neither Sri Sanyog Tamang nor Smt Bharti Tamang did anything against Smt Malvika Tamang. Not only this, but soon after completion of the interior decoration work, the aforesaid culprits jointly inducted a tenant one Sri Nakul Das Rai, Son of Late Asman Rai, resident of Ranipool, Sikkim illegally in the premises which has been

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allotted to me by Luxmi Township Limited who are occupying the premises without my consent and are actively aiding and assisting the aforesaid culprits in the process of cheating me and my wife.

Smt Malvika Tamang filed a case under 498A IPC on 29.12.2020. We could understand that all these were planned by all three of them to grab our money and cheat us. I was following up the matter with them regularly, and in that very period more specifically on 21.01.2021, Smt Malvika Tamang in connivance and collusion with Sri Sanyog Tamang and his mother Smt Bharti Tamang filed a false complaint on 21.01.2021 before the concerned Police Station and a specific case being Matigara P.S. Case no.49/2021 under Section 448/354/506/34 IPC read with Section 3(1) (w) (i) (ii) SC & ST Prevention of Atrocities Act against my husband Sri Sumit Mitruka. However the Additional Judge, 1st Court, at Darjeeling has been pleased to grant anticipatory bail to my husband vide Order No.2 dated 16.02.2022.

Sir, the fact is that the original allottees have accepted entire money from me and my husband but are purposefully cheating us and intentionally with a wrongful and dishonest intention have misappropriated the same for their illegal gain and profit and are not handing over the vacant physical possession of the property to me and my husband.

Hence, I humbly request you to investigate the matter and book the culprits i.e Sri Sanyog Tamang, Smt Bharti Tamang, Smt Malvika Tamang and Sri Nakul Das Rai under the provisions of criminal law and take necessary action against the aforesaid culprits.

Thanking you.

Yours faithfully,

Mitruka

[Niharika Mitruka]
Wife of Sri Sumit Mitruka

Nehru road, near Shankar more,
Khalpara,
Post Office and Police Station- Siliguri,
District- Darjeeling,
Pin- 734005
9333022500

Received On 07-03-2022 at
18:45 hrs with CID No 337,
01 07/03/2022 and started
Matigara PS Case No 310
On 07/03/2022 with 406/120/34
IPE and endorsed to S.I. Krishna
Ch. Mandal for its investigation

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07/3/2022
Officer In-charge
Matigara Police Station
Siliguri Police Commissionerate
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