

## FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

2248

1. Dist. SPC P.S. Bhaktinagar Year 2023 FIR No. 98/23 Date 12/02/2023
2. (i) Police Station IPC Sections 406/420/506/120B (ii) Act — Sections — (iv) Others Acts & Sections —
- (a) Occurrence of Offence : Day 16/02/2015 Date From 16/02/2015 Date To 09/02/2023
- Time Period Not mentioned Time From — Time To —
- (b) Information received at P.S. Date 12/02/2023 Time 13.05 hrs.
- (c) General Diary Reference : Entry No(s) 751 Time 13.05 hrs.
4. Type of Information Written / Oral
5. Place of Occurrence : (a) Direction and Distance from P.S. — Beat No. —
- (b) Address Land measuring 08 Kathas 5 Chetaks 19 Sq. feet  
In Khatian no - 677, R.S. Sheet no - 12, R.S. Plot no - 231 & 232, Mouza - Dabgram,  
PS - Bhaktinagar, Dist - Jaltai Guri.
- (c) In case outside limit of this Police Station, then the Name of the P.S. — District —
6. Complainant / Informant :
- (a) Name Sri Nitin Kumar Agarwal
- (b) Father's / Husband's Name Mr. Raj Kumar Agarwal
- (c) Date / Year of Birth — (d) Nationality Indian
- (e) Passport No. — Date of Issue — Place of Issue —
- (f) Occupation Business
- (g) Address Partner of M/s. Asmi Construction Office at Guru Nanak Sarani,  
Amritsar, Punjab, PS - Bhaktinagar, Dist - Jaltai Guri.
7. Details of known / suspected / unknown accused with full particulars
- (Attach separate sheet, if necessary) : ① Kajal Sarkar s/o - Lt. Parimal Sarkar, ② Pulu  
Sarkar s/o - Lt. Parimal Sarkar, ③ Mira Sarkar d/o - Lt. Parimal Sarkar,  
④ Smt. Sima Jena w/o - Phani Gopal Jena all of Anandamaye Kalibari  
Road near M & C Iron Stores, Hyderabad, PS - Bhaktinagar Dist - Jaltai Guri.
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 of the  
Complainant which is treated as F.I.R. 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 SI Ranjit Kr. Paul 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.
14. Signature / Thumb impression Noted in original Complaint. of the Complainant / Informant
- DR No. 775 Date 13.2.23  
Bhaktinagar Police Station  
SPC
- Signature of the Officer-in-Charge, Police Station 12/02/2023  
Name Ranjit Dey Sarkar  
Rank SI of Police
15. Date & Time of despatch to the court :



Ref. No.: Adm15489/12023

Date : 12/02/2023

To,  
The Inspector-In-Charge,  
Bhaktinagar Police Station,  
District:- Jalpaiguri.

**Sub: F.I.R against, 1.Kajal Sarkar S/o Late Parimal Sarkar; 2.Pulu Sarkar S/o Late Parimal Sarkar; 3.Mira Sarkar D/o Late Parimal Sarkar; 4.Sima Jana W/o Phoni Gopal Jana; All No.1 to 4 are resident of Anandamaye Kalibari Road (Near M&C Iron Stores, Post Office:- Haiderpara, Police Station:- Bhaktinagar, in the district of Jalpaiguri, Pin:- 734006)**

Sir,

I Sri Nitin Kumar Agarwal, Son of Late Raj Kumar Agarwal being one of the partner of MS ASMI CONSTRUCTION having its principal office at Guru Nanak Sarani, Punjabipara, Siliguri, Post Office and Police Station :- Bhaktinagar in the district Jalpaiguri would like to lodge a FIR/ written complaint against the above named miscreants to the effect as follows:-

1. That the above-named miscreants have approached me in the year 2015 claiming themselves to be the owner of a piece and parcel of landed property admeasuring 8 kathas 5 chhataks 19 Sq. Feet appertaining to and forming part of R.S Khatian No.677, R.S sheet No.12, R.S Plot No.231 & 232 of Mouza:- Dabgram, Police Station:- Bhaktinagar, District :- Jalpaiguri having right, title and interest and exclusive possession and free from all encumbrances, they also informed save and except the above said miscreants no other person had/ has any claim over the property

M/S. ASMI CONSTRUCTION

*Nitin Kumar Agarwal*

PARTNER

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ASMI CONSTRUCTIONS

# ASMI CONSTRUCTIONS

Gulmohar Gurunanak sarani, Panjabi Para, Siliguri

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which was nothing but a tactics to induce me for huge financial support to them and the above said miscreants further informed me that they are having insufficient funds and insufficient knowledge in the field of construction and as such they want me to develop a building on their said landed property to which I agreed and subsequently we have entered into an development agreement being No.03366 of 2015 dated 16.02.2015 and a development power of attorney being No.04725 of 2015 wherein the allocation of the said miscreants is clearly mentioned which is two flats and two garage and further, I have promised them to pay a sum of Rs.53,00,000/- on completion of the construction of the building however on the demand of the said miscreants and on good faith and trust and I have paid the above said miscreants a sum of Rs.24,00000/- in advance prior to construction of building and remaining amount was to be paid on completion of the construction work.It is pertinent to mention here that at the time of execution of said development agreement the above said miscreants have assured me that right, title, interest and possession with respect to above said land is clear and free from any form of incumbrances and if any civil and criminal cases crops up with respect to right, title, interest and possession of their said landed property during the period of construction or ever after the construction is complete said miscreants shall be liable to solve the dispute.However,when the construction of the said building was almost complete one Sri Mrinal Paul has filed a civil case being Title Suit No.44 of 2021, pending before the Ld. Civil Judge Senior Division at Jalpaiguri on the said landed property of the above said miscreants on which I have developed the said building in which my firm is also made one of the parties. Soon after receiving the notice of the said civil case, I informed the said miscreants to settle the dispute and take steps for withdrawal of said civil case but despite my repeated requests the said miscreants never bothered to pay any heed to my requests and keeping me in dark and without any information and knowledge quickly and secretly sold their allocation / share in the said building.

That due to pendency of the said civil case I am unable to sell my allocation in the said building at good marketable price and therefore on

M/S. ASMI CONSTRUCTION

*Nikhil Kumar Gana - 1*  
PARTNER

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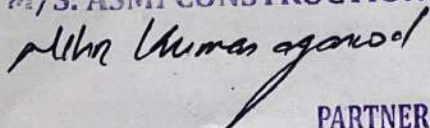


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various occasions I have requested the said miscreants to take steps to settle the said civil case so that I can sell of my share at good marketable price. That until and unless said miscreants settle the said civil case, I am not going to get good marketable price for my allocation.

2. That from the acts and conducts of the above said miscreants it is crystal clear that the said miscreants from the very beginning had mala fide intentions and have very cleverly have escaped their liability to settle the civil case which they have promised to settle and as result of which I am suffering from huge business losses.
3. That it is once again reiterated that soon after the initiation of civil case by one Sri Mrinal Paul the above said miscreants clandestinely and with the intention to play fraud, forgery and cheating, in collusion and connivance with each other and without any information and knowledge to me has sold their allocation behind my back and has encased their allocation in the said building and are not taking any steps to settle the civil case despite of fact that it is their liability to settle the said civil case.
4. That recently on 09.02.2023 said miscreants have come to my office and started demanding a sum of Rs.29,00,000/- which I am liable to after settlement of said civil case but I have clearly informed them I am going to pay them their remaining money only when they will settle the said civil case as they have promised me that in case of any civil and criminal liability during the period of construction they will settle the same and it is settled principal of law that it is the duty and responsibility of the owners of the land i.e. said miscreants to settle the dispute of any form with regard to right, title and interest during the period of construction to which said miscreants became furious and stated abusing me with bad and filthy words and slangs which cannot be uttered in a civilized society and further threatened me and my staffs members with dire consequences and further threatened me that they will not hesitate to shed blood for recovery of said amount and will not hesitate to implicate in more false criminal cases.

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PARTNER

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That under the aforesaid circumstance, I humbly request you to investigate in the matter, book the culprit under the relevant provisions of law and take necessary action against the aforesaid culprit.

Thanking You,  
Yours Faithfully

**J. ASMI CONSTRUCTION**

*Nitin Kumar Agarwal*

**Nitin Kumar Agarwal PARTNER**

Received on 12/12/23 at 13:05 hrs.  
vide BWN PS GDE NO-751 date 12/12/23  
and started Bhaktinagar PS case  
NO- 98/23 date 12/12/23 u/s- 406/420/  
506/120B IPC. SI Ranjit Kr. Paul  
will investigate the case.

*[Signature]*

12/12/2023

Inspector-In-charge  
Bhaktinagar Police Station  
Siliguri Police Commissionerate