

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

1. Dist. PS Cyber Gunge Year 2023 FIR No. 45/23 Date 30/05/23

2. i) Act IPC Sections 419/465/471 ii) Act IT 2000 Sections 43/66/66C

(iii) Act _____ Sections _____ (iv) Others Acts & Sections _____

3. (a) Occurrence of Offence: Day Since Date From 28/10/2022 Date To Pill date

Time Period _____ Time From _____ Time To _____

(b) Information received at P.S. Date 30/05/2023 Time 12:05 Pm

(c) General Diary Reference: Entry No(s) 373 Time 12:05 Pm

4. Type of Information: Written Written / Oral

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

(b) Address Cyber Space

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

6. Complainant / Informant:

(a) Name Sushil Mitraka

(b) Father's / Husband's Name Late Neem Chand Mitraka

(c) Date / Year of Birth: 63 years (d) Nationality Indian

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

(f) Occupation Business

(g) Address Block - E - 001, Dadidham, Uttarayan Township, Malgara PS.

7. Details of known / suspected / unknown accused with full particulars PIN-734010, Daryehing.

(Attach separate sheet, if necessary):

(1) Krishan Lal Agarwal s/o - Late Babu Prasad Agarwal of Mohindra Tuber Hd. office at 7th floor, Niladri Building, HC Road, Siliguri (ii) Sandeep Gang s/o - Krishan Lal Agarwal of F19, Uttarayan Township, Malgara, Siliguri (iii) Sampay Agarwal s/o - Krishan Lal Agarwal of F19, Uttarayan Township, Malgara, Siliguri.

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 _____

1. Inquest Report / U.D. Case No., if any _____

2. FIR Contents (Attach separate sheets, if required): The original written complaint of the complainant which is treated as FIR is enclosed herewith.

3. 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 myself to take up investigation / refused investigation / transferred to P.S. _____ on point of jurisdiction. FIR read over to the Complaint/ Informant, admitted to be correctly recorded and a copy given to the Complainant / Informant free of cost.

As noted in Complaint
Signature / Thumb impression

of the Complainant / Informant

30/05/23
Signature of the Officer-in-Charge, Police Station

Name: Prashant Chamling
Inspector in Charge

Rank: No. Other Crime Police Station
Siliguri Police Commissionerate

Date & Time of despatch to the court:
On 31/05/2023 at 10:00 Pm

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Date:

To
The Inspector In charge
Matigara Police Station
Matigara

Sub: First Information Report

Complainant:

Sushil Mitruka,
S/o. Late Neem Chand Mitruka
Residing at Block- E- 0601
Dadidham, Uttarayon
Township, Matigara
Dist.- Darjeeling
Pin- 734010

Complaint Against:

1. **Krishan Lal Agarwal**, Son of Late. Badri Prasad Agarwal, representative of Mohindra Tubes Limited, Registered office at 7th floor, Niladri Sekhar Building, Hill Cart Road, Siliguri, Pi- 734001.
2. **Sandeep Garg**, Son of Krishan Lal Agarwal, residing at F19, Uttarayon Township, Matigara, Pin- 734010.
3. **Sanjay Agarwal**, Son of Krishan Lal Agarwal, residing at F19, Uttarayon Township, Matigara, Pin- 734010.

Sir,

The undersigned complainant do hereby beg to lodge this First Information Report as follows: -

1. I am a businessman by occupation and to manage and administer my businesses I have registered several companies and Limited Liability Partnership (LLPs) involving my business partners, family members and friends.
2. During the year 2019, I along with my partner Kajal Sarkar, S/O Sri Kamal Sarkar entered into negotiations for taking over the Huldibari Tea Estate and for such purposes, I had registered an LLP with Kajal Sarkar and my family members in the name of Haldibari Tea Manufacturers LLP.

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Cyber Crime Police Station
Siliguri Police Commissionerate

3. During April, 2021 till January, 2022, since the LLP was in need of funds to run and manage the said Huldibari Tea Estate, I had approached Sri Krishan Lal Agarwal for financial assistance. During such time, Sri Krishan Lal Agarwal had provided financial assistance to me to the tune of Rs. 43,00,000/- (Forty-Three Lakhs) which was paid through his company, Kohinoor Distributors Private Limited and another sum of Rs. 3,95,00,000/- (Three Crores Ninety-Five Lakhs only) which was paid through another company, Mohindra Tubes Limited. The said amounts were accepted by me on behalf of the LLP as accommodation loan/long term borrowing.
4. Though the said Krishan Lal Agarwal had provided financial assistance to Haldibari Tea Manufacturers LLP, however at no point of time he and or his sons were assured that they shall be inducted as partners in the said LLP. Their financial assistance was never treated as capital contribution to the said LLP.
5. Since Krishan Lal Agarwal and his sons were partners with me and my family members in other LLPs also, the said Krishan Lal Agarwal was in possession of my digital signatures and other documents, blank documents bearing signatures of myself and my family members. As a business partner he was enjoying a position of trust and confidence and was therefore secured possession of such documents and digital signature details. It shall appear that on 28.10.2022, the said Krishan Lal Agarwal along with his sons were inducted in an LLP in the name of M/s. Satidadi Commerce LLP and was offered 33.34 percent stake therein for his financial contributions.
6. All of a sudden on or about 15th May, 2023 it came to my knowledge that in course of an arbitration proceeding between Haldibari Tea Manufacturers LLP and Huldibari Industries and Plantation Company Limited, which is presently pending before an Hon'ble Sole arbitrator, the said Krishan Lal Agarwal has claimed himself to be a partner in the said Haldibari Tea Manufacturers LLP.

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 Police Commissionerate

- 7. Immediately I contacted my Chartered Accountant and other persons to enquire about such claim and it appeared that the said Krishan Lal Agarwal has deliberately and willfully misused the documents and digital signatures of myself and my family members and has fraudulently inserted his name as a partner in the said LLP. It shall also appear that he along with his sons as named above has committed grave and criminal breach of trust by misusing the said documents, our digital signatures and other details which were in his possession. By committing such acts of fraud, he is trying to extract money from the LLP and its partners which is totally illegal.
- 8. I request you to kindly register an appropriate FIR and investigate the offence as complained above.

Thanking you
 Yours faithfully

Sushil Mitruka
Sushil Mitruka
 (SUSHIL MITRUKA)
 Mob- 9434065730

- Encl:
- 1. Fake sign on Partnership Agreement.
 - 2. LLP Form 3 and payment receipt Using DSC.

*Received on 30/05/23 at 12:05 pm - vide
 CCRS WDF No - 373 Dkt - 30/05/23 if registered
 Cyber Crime PS Case No - 45/23 Dtd. 30/5/23
 U/S 419/465/471 IPC & r/w Sec. 43/68/66 C et
 IT Act of myself took up its
 investigation.*

[Signature] 30/05/23
 Inspector-In-Charge
 Cyber Crime Police Station
 Siliguri Police Commissionerate