



(Under Section 154 Cr. P.C.)

Dist. SAC (D/9) P.S. S. 11/2021 Year 2023 FIR No. 855/23 Date 19/10/23

i) Act. IPC Sections - ii) Act. - Sections 406/120

(iii) Act. - Sections - (iv) Others Acts & Sections -

3. (a) Occurrence of Offence : Day - Date From 19/10/2020 Date To 20/11/2020

Time Period - Time From 12:25 hrs. Time To 12:25 hrs.

(b) Information received at P.S. Date 17/10/2023 Time 8:16

(c) General Diary Reference : Entry No(s) 816 Time 12:25 hrs.

4. Type of Information : Written Written / Oral Written Beat No. -

5. Place of Occurrence : (a) Direction and Distance from P.S. 1 KM (N/E) Beat No. -

(b) Address At "Cakes & Biscuits" at a premises at Serok Road near Dominica Pizzeria Wing-1015, S. 11/2021 Dist: Darjeeling;

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

6. Complainant / Informant :

(a) Name Sri Sandeep Agarwal (A Sandip Kumar Agarwal)

(b) Father's / Husband's Name Ram Nitrojan Agarwal

(c) Date / Year of Birth : - (d) Nationality INDIAN

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

(f) Occupation Business

(g) Address OF 109 McHABIS, MAS, KISHANGANJ P.O.P.S. KISHANGANJ Dist: KISHANGANJ

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

(Attach separate sheet, if necessary) :

SPRINT DOMINICA THERMAL D/O DEWA THERMAL P/O BONGJOW DIST: DARJEELING

P/O BONGJOW DIST: DARJEELING

SPRINT DOMINICA THERMAL D/O DEWA THERMAL P/O BONGJOW DIST: DARJEELING

8. Reasons for delay in reporting by the Complainant / Information PS: BAKTIDAGAR Dist, JALPAIGURI

9. Particulars of properties stolen / involved (Attach separate sheet, if necessary) :

RS. 33,00,000/- (Thirty three Lakhs)

10. Total value of properties stolen / involved DO

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.

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 AS GAZIPRAHMAN OF PENITENTIARY - 1 PS, SINGUR to take up investigation / refused investigation / transferred to P.S. - on point of jurisdiction. FIR read over to the Complain/ Informant, admitted to be correctly recorded and a copy given to the Complainant / Informant free of cost.

As dated in original complaint.

14. Signature / Thumb impression of the Complainant / Informant 19/10/23 at 10:30 hrs.

15. Date & Time of despatch to the court :

19/10/23

Signature of the Officer-in-Charge, Police Station

Name : Anoop Kumar

Rank : SP, OF Police WBP

Date: 12th October 2023

To,
The Inspector in Charge,
Siliguri Police Station,
Siliguri, District Darjeeling

Subject: Complaint in the matter of offences committed by Smt. Domanica Tamang, d/o Dawa Tamang, permanent resident of Bangla Dara - 2, Rangbull, Jorebunglow, P.O. and P.S. Jorebunglow, District Darjeeling, West Bengal also having residence at Flat No. 106, 1st Floor, Shelcon Plaza, Bhanu Nagar, P.O. Siliguri (Sevoke Road), P.S. Bhaktinagar, Siliguri, District Jalpaiguri, West Bengal.

Respected Sir,

I, Sri Sandeep Agarwal alias Sandip Kumar Agarwal, s/o Ram Niranjan Agarwal, resident of 104, Mahavir Marg, Kishanganj, P.O. and P.S. Kishanganj, District Kishanganj, Bihar wish to lodge this written complaint with you to the following effect:

1. I am a businessman. In the course of my business engagements, I visit Siliguri regularly. During one such visit to Siliguri in the month of October 2020, I became acquainted with Smt. Domanica Tamang.
2. During such acquaintance, said Smt. Domanica Tamang, represented herself as the sole proprietor of the restaurant business carried on by her since long under the name and style "Crates & Barrels" at a premises at Sevoke Road, near Dominos Pizza, Ward No. 10 of Siliguri Municipal Corporation, District Darjeeling. She told me that she was facing shortage of funds and lacked experience in running of restaurant business, and requested me to join in her said business as a partner and share the profits from the said business.
3. I accepted the proposal of Smt. Domanica Tamang and a Deed of Partnership was executed by us on 16/10/2020, which was registered in the office of the Additional District Sub-Registrar, Siliguri being document No. IV-119 for the year 2020.
4. I paid a total sum of Rs.30,00,000/- (Rupees thirty lac) only to Smt. Domanica Tamang in the following manner:

| Date of payment | Mode of payment | Amount |
|-----------------|-----------------|----------------|
| 19/10/2020 | RTGS | Rs.10,00,000/- |
| 04/11/2020 | RTGS | Rs. 6,00,000/- |
| 07/11/2020 | RTGS | Rs. 4,00,000/- |
| 21/11/2020 | RTGS | Rs. 5,00,000/- |
| 21/11/2020 | Cash | Rs. 5,00,000/- |

5. Smt. Domanica Tamang informed me that she maintained a bank account with the Siliguri Branch of Allahabad Bank, Hill Cart Road, Siliguri, District Darjeeling in the name of her business concern and giving the details thereof requested me to make payment by RTGS which I paid in the manner as aforesaid.
6. Though it was mentioned in the aforesaid Deed of Partnership dated 16/10/2020 that the said amount was deposited by me through bank transfer, it was actually paid on the dates and in the manner as aforesaid.
7. The aforesaid sum of Rs.30,00,000/- (Rupees thirty lac) only was paid by me to Smt. Domanica Tamang for progressing the business and also obtaining the Bar License as assured by her and such purpose of payment was mentioned in the said Deed of Partnership. It has been further mentioned in the said Deed of Partnership that after the execution of the Deed of Partnership, I will be treated as partner of the said "Crates & Barrels" and the said payment shall be reflected in the respective capital account.
8. The said Deed of Partnership also mentioned that I will get a sum of Rs.2,00,000/- (Rupees Two Lacs) only as monthly salary from the said restaurant business and after such payment, Smt. Domanica Tamang will get the entire profit from the said restaurant business.
9. Smt. Domanica Tamang urged me to make further capital investment and accordingly a further sum of Rs.3,00,000/- (Rupees three lacs) only was also paid by me to her on 30/11/2020 in cash at the premises of "Crates & Barrels" at Siliguri, District Darjeeling.
10. In the manner as aforesaid, a total sum of Rs.33,00,000/- (Rupees thirty-three lac) only was paid by me to Smt. Domanica Tamang between the period 19/10/2020 to 30/11/2020.
11. As I was required to remain mostly in Kishanganj for attending my family and other business pursuits, I relied completely upon Smt. Domanica Tamang to conduct the partnership business and to do and perform the matters pertaining and incidental thereto, including handling of funds, maintenance of books of accounts, submission of income tax returns and necessary statutory compliances.
12. Though the aforesaid amount invested by me as my capital contribution was required to be used for the progress of the restaurant business and for obtaining Bar License, Smt. Domanica Tamang did not divulge any information regarding such use inspite of my repeated requests. I was not paid the monthly salary amount by Smt. Domanica Tamang.

13. Having failed to provide the said monthly salary to me for three consecutive months since inception, Smt. Domanica Tamang was under the obligation to retire from the partnership business and transfer the same to me with licenses, but she refused and utterly failed to do so.
14. Later, in the month of December 2022, when I confronted Smt. Domanica Tamang for a response, she told me that she had obtained Bar License in her name representing Crates and Barrels as her proprietorship business. Consequently, my sincere endeavour to run the business in partnership with Smt. Domanica Tamang by making substantial capital contribution as aforesaid remained abortive. She even instructed the staff of the restaurant not to share the details and documents related to the said business with me. My repeated requests to Smt. Domanica Tamang to reveal the accounts of the business of the firm, Crates and Barrels, was not heeded to by her. It thus transpired that despite the execution of the said Deed of Partnership on 16/10/2020 and accepting the money as aforesaid from me, Smt. Domanica Tamang ran the business as a sole proprietor, disregarding my status as a partner completely and keeping me in the dark until her aforesaid disclosure in December 2022. She thus committed criminal breach of trust.
15. By the aforesaid acts and omissions of Smt. Domanica Tamang it became abundantly clear that she had no intention to run the business in partnership with me but had, in fact, deceived me by dishonestly inducing me to enter into partnership with her and execute a Deed of Partnership on 16/10/2020 on the terms contained therein and make payment of a total sum of Rs.33,00,000/- (Rupees thirty three lac) only as my capital contribution in the manner as stated above to her. The said sum of money paid by me has actually been misappropriated by Smt. Domanica Tamang for her own use in obtaining Bar License in her name as proprietor. I have not received any benefit under the said Deed of Partnership. The said Deed of Partnership dated 16/10/2020 thus remained a mere piece of paper and a sham document (in as much as the creation of the partnership firm is concerned) being a product of the fraud, played upon me by Smt. Domanica Tamang, thereby cheating me. In fact, as a result of the fraud played upon me by Smt. Domanica Tamang, no partnership firm came into effective existence at all in the manner as contemplated by the said Deed of Partnership dated 16/10/2020 and as the said deed and its clauses in totality has for all purposes been rendered otiose by her. It became evident in course of time that no partnership accounts have ever been prepared or drawn up by

Smt. Domanica Tamang or presented to me by her, no income tax returns of partnership business have ever been filed by her and no statutory compliances have been made by her. All her acts and activities from the very beginning were directed to cheat me.

16. After finally agreeing to refund the amount as aforesaid (paid by me to her) along with interest, on 16/01/2023, Smt. Domanica Tamang assured to make considerable payment to me within the month of January 2023 but she failed and/or neglected to make any payment. Whenever I tried to contact her, she did not answer my calls.

17. Finding no other alternative, I issued lawyer's notice through registered post to Smt. Domanica Tamang on 03/10/2023 demanding payment, but even after service of the said notice at her residence, she has not paid a farthing to me. Though the said Deed of Partnership mentioned that after the elapse of 3 years from the date of its execution, the partnership may continue with the consent of the parties, but the same has been rendered impossible due to the acts of Smt. Domanica Tamang.

18. On 12/10/2023 as I was passing by the premises of Crates and Barrels, I was shocked to notice that the sign board of Crates and Barrels had been removed and in its place a neon sign "Decible One Restobar" has been affixed. Such change is very recent and a clear indication that Smt. Domanica Tamang has completely abandoned the business named Crates and Barrels in the said premises at Barua Square, Sevoke Road, near Domino's Pizza, Ward No. 10 of S.M.C., Siliguri, District Darjeeling.

19. Smt. Domanica Tamang has cheated me and in doing so made illegal gain for herself and has led me to suffer immense financial loss as well as acute mental pain, anxiety and suffering.

In the aforesaid circumstances, I request you to kindly inquire into the matter immediately and take necessary action against Smt. Domanica Tamang for her illegal acts as aforesaid. I am ready to submit the necessary documents and information in support of my contention as and when called for by you.

Thanking you,

Yours faithfully,

Sandeep Agarwal
(Sandeep Agarwal)
Mobile No. 99737 63251

RECEIVED ON
14/10/23 AT
U.S. 405 WILE
SILIGURI PS,
GDENO- 816
DID: 14/10/23
STARTED
SILIGURI PS,
CASE NO. 855/23
DID: 14/10/23
U.S-406/420
I.P.C AND
ENVOYED TO
ASIGARI
RAHMAN
PANITANKI
TOP-1, PS,
SILIGURI FOR
ITS INVESTIGATION.

14/10/23
Inspector In-Charge
Siliguri Police Station
Siliguri Police Commissionerate

Received on 14/10/23 at 12:15 hrs.
vide Panitanki TOP GDF NO-292
Date-14/10/23 & forwarded to
1/2 Siliguri PS to start a specific
Case under proper Section of
Law.
14/10/2023

Officer In-charge
PANITANKI TOP-1
P.S. Siliguri
Dist. Darjeeling