

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. Petn 20 of 2023

Sri Ankur Biswas

---Petitioner(s)

Versus

The State of Tripura and Anr.

---Respondent(s)

For Petitioner(s)	: Mr. Samar Das, Advocate. Mr. S. Talapatra, Advocate.
For Respondent(s)	: Mr. S. Ghosh, Addl. PP

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

09.10.2023

This is an application under Section 482 of the Code of Criminal Procedure, 1973 for invoking the inherent powers of this Hon'ble High Court and to secure the ends of justice by setting aside/quash the FIR vide No. West Agartala PS 2023WAG119 under Section 120B, 420 and 409 of the Indian Penal Code.

[2] The case of the petitioner is that an FIR was lodged on 21.07.2023 against the present petitioner and few others who are employees of the Land acquisition department alleging that the petitioner has cheated some beneficiaries of land acquisition compensation of NH 108B project by hatching a criminal conspiracy with the help of other accused person named in the FIR working in land acquisition section of Land Acquisition Collector, West Tripura forcefully taking money from them. There is nothing more than the back account transfer details which perhaps doesn't give rise to a prima facie case. It is mentioned by the complainants in the FIR that the date of occurrence of alleged criminal conspiracy was from 07.01.2021 to 24.08.2022 but

the first institution of complaint was raised on 17.05.2023 by letter written to the President of India with an ulterior motive for wrecking vengeance on the petitioner with a view to spite him for personal grudges. The payment to the petitioner were made through cheques after the land acquisition amount was awarded to the complainant's bank accounts. The mobile number which was submitted during opening of bank accounts belonged to the respective account holders which the complainant alleged did not belong to them. The complainants opened new bank accounts by their own will so that there is no confusion with land acquisition award and his other transactions of business. The allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the petitioner.

[3] The petitioner has prayed for the following reliefs:

- (i) *Admit the instant application.*
- (ii) *Issue notice upon the opposite party.*
- (iii) *Call for the lower court records if require from the court*
And
- (iv) *After hearing both the parties to pass an order for quashing the FIR vide West PS case No. 2023WAG119 as your Lordship may seem fit and proper.*

[4] Heard Mr. S. Talapatra, learned counsel appearing for the petitioner. Also heard Mr. S. Ghosh, learned counsel appearing for the State-respondent.

[5] Mr. S. Talapatra, learned counsel appearing for the petitioner has submitted before this court that the investigating officer failed to appreciate the ingredients of the offence so postulate in the FIR and continuing with the investigation is illegal and not tenable to the eye of law. Thus, the FIR is required to be set aside. It is further

contended by the counsel for the petitioner that the investigating officer without any sanction of law registered the FIR which clearly indicates the violation of contractual obligation and if any dispute arises out of this agreement then civil suit is the remedy rather than criminal liability. Hence, the allegation and the FIR vide no. West PS 2023WAG119 required to be set aside/quashed.

[6] On the contrary, Mr. S. Ghosh, learned Addl. PP appearing for the state-respondent has submitted before this court in course of investigation the IO has seized a Certified copy of the bank statement of Sri Ankur Biswas pertaining to the A/C No.507310310000086 maintained in the Bank of India, Gakulnagar Branch. In the said certified copy there is a visible entry that Sri Ankur Biswas has paid of Rs.1,60,000/- (Rupees one lakh sixty thousand) only on 14.01.2021 to Ramani Debbarma, Surveyor of LA Section of the office of the DM & Collector, West Tripura, Agartala.

[7] Furthermore, from the investigation, it also revealed that the present accused person i.e. Sri Ankur Biswas on 20.05.2021 has paid an amount of Rs.10,000/- (Rupees ten thousand) only to Sri Rajdeep Choudhury, who was working as UDC of LA Section of the Office of the DM & Collector, West Tripura, Agartala. Similarly, on 12.12.2022 Sri Ankur Biswas has made another payment of Rs.50,000/- (Rupees Fifty thousand) only in favour of Sri Rajdeep Choudhury in the Account No.18380110016701 of UCO Bank, TRTC Branch, a certified copy of this financial transaction is also mentioned in the Case Diary.

[8] It is further contended by the counsel for the state-respondent that the matter has been fabricated by the present

petitioner just to save himself from the premises of this criminal case but the fact remains he along with the aforementioned other accused persons has designed a web conspiracy to illegally extract money from the innocent beneficiaries for their wrongful game.

[9] After hearing learned counsel for the respective parties, this Court is of the considered view that the petitioner failed to make out any case. Moreover, this court cannot shut its eyes when the public money is at stake. It is evident from the investigation led by the IO that the petitioner along with some other unknown associates may provide inducement or threat to the vital witnesses and beneficiaries, if the petitioner is set free. Therefore, this Court, at this juncture, is reluctant to entertain the plea as sought for by petitioner and has no hesitation to hold that the petition being devoid of merit is liable to be dismissed. Accordingly, it is ordered.

[10] In view of the above, the instant petition stands dismissed. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

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