

**THE HIGH COURT OF TRIPURA
AGARTALA**

Crl.Petn. No.64 of 2012

Shri Debabrata Banik,
S/o Late Shri Srinibash Banik,
Resident of Subhash Palli, Ambassa,
P.O. Ambassa, P.S. Ambassa,
District: Dhalai.

..... **Accused Petitioner.**

- *vs* -

- 1. The State of Tripura,**
Represented by the Secretary
to the Government of Tripura,
Home Department.

- 2. Shri Sanjoy Shil,**
Inspector (Small Savings),
Office of the Sub Divisional Magistrate,
Ambassa, Dhalai.

..... **Respondents.**

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA**

For the petitioner	: Mr. Raju Dutta, Advocate.
For the respondents	: Mr. Abhijit Ghosh, Public Prosecutor.
Date of hearing & delivery of Judgment & Order : 10.9.2015.	
Whether fit for reporting	: No.

JUDGMENT & ORDER (ORAL)

This is an application for quashing FIR No. 73 of 2010, registered against the petitioner under Sections 420/406 of the Indian Penal Code (IPC) read with Section 4(3) of the *Tripura Protection of Interest of Depositors (In Financial Establishment) Act, 2000*.

2. The main grievance of the petitioner is that a complaint was made by one Sri Tapas Kumar Basak to the Officer-In-charge, East Agartala Police Station against the petitioner-company in which allegations were made that the petitioner-company is illegally collecting money from the depositors and that it has committed offences of cheating, embezzlement etc.

3. It is submitted that since this FIR relates to the whole State of Tripura, the second FIR could not have been lodged. I am not at all in agreement with this submission. The allegations in the first FIR may be general in nature but they have been filed by an individual and the complaint has to be read in the context that it is a case filed by one individual making the complaint.

4. In Ambassa, it is the Sub-Divisional Magistrate who on receipt of 12 Nos. of complaints directed the police to lodge an FIR. The police at Agartala will have no jurisdiction to investigate the offences, if any, which took place at Ambassa even if there was a common FIR. If the common FIR had been lodged by the State for the entire State, the matter may have been different but here the

first FIR has been lodged by an individual and that individual holds no public capacity to lodge a complaint for the entire State.

5. In any event, this discussion has become academic in view of the orders passed by this Court in ***Smt. Dipti Das Majumder and Anr. vs. The State of Tripura and Ors., [W.P. (CRL) 03 of 2014]*** in which this Court has constituted a Special Investigation Team (SIT) to look into all offences under the *Tripura Protection of Interest of Depositors (In Financial Establishment) Act, 2000*. After the SIT investigates the matter, it can lodge different FIR's in different territorial jurisdictions against the same company.

6. Therefore, I find no merit in the petition which is accordingly dismissed.

7. Send down the lower court records forthwith.

CHIEF JUSTICE