

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, IMPHAL  
WEST  
AT CHEIRAP COURT COMPLEX, MANIPUR



Cril. (Inv't) Case No. 04 of 2023.



Shri. Akhom Amen Singh, aged about 58 years, S/o Late Manihar Singh, a resident of Sagolband Salam Leikai, P.O. Imphal & P.S. Imphal, Imphal West District, Manipur-795001.

...Applicant/Complainant.

-Versus-

Officer-In-Charge, City Police Station, Imphal West District, Manipur.

.... Respondent.

**IN THE MATTER OF:**

An application filed under Section 156(3) of the Code of Criminal Procedure, 1973 for a direction to cause an investigation on the basis of the report lodged, dated 16.10.2023 coupled with a prayer to monitor the investigation conducted by the Officer-In-Charge, City Police Station, Imphal West District, Manipur.

**Most Respectfully Sheweth:**

1. That. the present complainant is the law-abiding citizen of India having permanent resident in the State of Manipur, as such he is entitled to all

*This report is treated as one of case no. 66 (10) 2023 city P.S. up. 406/415/420 P.C*

*NRH*  
*-OC, City PS -*  
*dt. 31/10/2023*  
**Officer-in-Charge**  
**City Police Station**  
**Imphal West District, Manipur**



the rights & privileges enshrined in the constitution of India & such other law for the time being in force in the State of Manipur.



2. That, it is to state that, the present applicant/complainant is approaching this Hon'ble Court by way of filing this Cril. Invt. case in reference to a report lodged on 16.10.2023 with the Officer-In-Charge, City Police Station, Imphal West District, Manipur which was being duly received on the same duly by the said Police Station. However, despite due receipt of the report, the Officer-In-Charge, City Police Station refused to register a criminal case against the accused which has compelled the Complainant/Applicant to approach the Superintendent of Police, Imphal West District, Manipur thereby making a report dated 25.10.2023 highlighting the issue of refusal to register an FIR case by the Officer-In-Charge, City Police Station, Imphal West, Manipur as mandated under Section 154(3) of the Code of Criminal Procedure, 1971.
3. That till date, the Complainant/Informant has no knowledge about the fate of his herein referred report as to whether the concerned police station had registered any FIR case on the basis of the report so lodged with City Police Station nor could gather any information about the fate of the report made to the Superintendent of Police, Imphal West District, Manipur regarding the refusal of registering the FIR case by the City Police Station.
4. That the facts related in the report lodged with the City Police Station pertains to the applicant/complainant having come to know about the existence of one M/S SHRI BANKE BIHARI POLYMER bearing, GSTIN No: 07JPR414M1ZJ having its office at K-59/1, Fateh Nagar, New Delhi, PIN: 110018, India, from the online platform [www.IndiaMart.com](http://www.IndiaMart.com), which deals with the supply of plastic goods.





5. That the applicant/complainant contacted one Mr. Rohit Rathore, Sales Executive of the said M/S SHRI BANKE BIHARI POLYMER through his mobile no. **8851867588** and placed an order for the supply of plastic goods/items as the applicant/complainant runs a Plastics and Polymer business.

6. That the said Mr. Rohit Rathore in a deceitful manner, lured about supplying plastic and polymer items at the cheap and best rates, so as to earn maximum profits easily for his Company/wholesaler to its investor/client, which is/was registered as M/S SHRI BANKE BIHARI POLYMER bearing, GSTIN No: 07JPR414M1ZJ having its office at K-59/1, Fateh Nagar, New Delhi, PIN: 110018, India, to the applicant/complainant as per the verbal information and promise, to supply the plastic and polymer goods/items from his company.

7. That, on 24/08/2022, the applicant/complainant received a Performa Invoice No. AUG/21-22/P-91 dated 24/08/2022 for the supply of Plastic items at the cost of Rs. 428487/- (Rupees Four lakhs twenty-eight thousand four hundred eighty-seven only), as shown in the Performa Invoice through **WhatsApp** from his mobile no. **8851867588**. The applicant/complainant got impressed and trusted wholeheartedly Mr. Rohit Rathore's Company, i.e., M/S SHRI BANKE BIHARI POLYMER so much that the applicant/complainant out of trust paid/transferred Rs. 1,000,00/- (Rupees One Lakh only) as advance payment by NEFT-Internet Banking on 24/08/2022 to the Bank Account of M/S SHRI BANKE BIHARI POLYMER bearing account no. 610330110000002, Bank of India (BOI), Mohan Garden Branch, New Delhi from the bank account of the complainant bearing account no. 10929474870, State Bank





of India (SBI) Imphal, M.G Avenue Branch, Manipur under transaction UTR No. SBIN122236039407.



8. That, on further demand by Mr. Rohit Rathore's Company, i.e., M/S SHRI BANKE BIHARI POLYMER, the complainant had again paid/transferred the remaining amount, another additional sum of Rs. 3,28,487/- (Rupees Three Lakhs twenty-eight thousand four hundred and eighty-seven) only on 02/09/2022, to the account of Mr. Rohit Rathore's Company, i.e., M/S SHRI BANKE BIHARI POLYMER from the same account of the complainant, SBI IMPHAL MG AVENUE Branch, Manipur under transaction UTR No, SBIN42224536509 and all the transaction happens in NEFT-Internet Banking only.
9. That it is to state that the Complainant being in belief of Mr. Rohit Rathore's advertisement about his company, had entered into certain agreement for exchange of goods and materials on payment of due amount of money as demanded by the said company of the Accused. And as per the terms and conditions and also through verbal communication between applicant/complainant and Mr. Rohit Rathore of M/S SHRI BANKE BIHARI POLYMER a total sum of Rs. 4,28,487/- (Rupees Four lakh twenty-eight thousand four hundred eighty-seven) only was paid/transferred to the given bank account of M/S SHRI BANKE BIHARI POLYMER, by NEFT-Internet Banking from the complainant's SBI account to the Bank account of M/S SHRI BANKE BIHARI POLYMER on different dates. Mentioned may be made that the applicant/complainant had WhatsApp chat with Mr. Mr. Rohit Rathore of M/S SHRI BANKE BIHARI POLYMER through his mobile number **8851867588**.

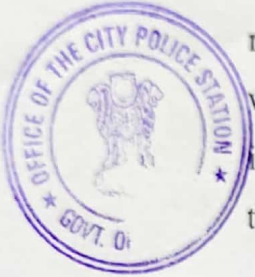




10. That, it is to state that the said Mr. Rohit Rathore of M/S SHRI BANKE BIHARI POLYMER and his associates deceitfully induced the applicant/complainant to make payment of money to supply plastic goods/items at the earliest as stated in the Performa Invoice sent to the Applicant/Complainant. As such, he had taken money from the applicant/complainant on false promises and false pretext by deceitfully inducing the Applicant/Complainant to do what in otherwise would not have done if he had the knowledge of having to be deceived by the said Company for the purchase of goods and materials. In this regard, the applicant/complainant had called Mr. Rohit Rathore on many occasions and requested to fulfill his promise or to discharge his liability as per the terms and conditions agreed between them.
11. That, it is to state that since Mr. Rohit Rathore of M/S SHRI BANKE BIHARI POLYMER, had not fulfilled his promises neither had abided the terms and conditions as agreed between the Complainant/Applicant despite in receipt of a sum of Rs. 4,28,487/- (Rupees Four lakh twenty-eight thousand four hundred eighty-seven) only compelling the present applicant/complainant to approach the concerned Police Station. As such, a criminal report was made to the Officer-in-Charge of City Police Station vide complaint dated 16/10/2023 in that regard.
12. That, it is to state that in pursuance to the report dated 16/10/2023 of the applicant/complainant, the City Police Station refused to register a criminal case U/S 405/415/420 IPC for the best reason known to the Officer-In-Charge, City Police Station, Imphal West District, Manipur.
13. That since, the criminal report dated 16/10/2023 lodged with CITY PS was not acted upon, the Complainant/Applicant had to make a written



report dated 25/10/2023 to the concerned Superintendent of Police therein seeking to instruct the Officer-In-Charge, City Police Station to register an FIR case against the accused mentioned in the said report.



14. That, it is further submitted that the officer-In-Charge, City Police Station or the Superintendent of Police, Imphal West District, Manipur have been remaining silent over the report dated 16.10.2023 & 25.10.2023 till date warranting the Complainant/Applicant to approach this Court for intervention seeking for direction for registration of criminal case against the accused.

15. That this Hon'ble Court has jurisdiction under Section 156 (3) of the Criminal Code of Procedure to direct for causing investigation of the case by the concerned Police Station (City Police Station) so as to ensure that justice be done to all concerned and also to meet the ends of justice.

16. That, it is humbly and respectfully submitted that the power exercised by this Court under Section 156 (3) of Criminal Code of Procedure, 1973 is an independent power and does not transgress into the power of the investigating officer.

In the light of the above-stated facts and circumstances, it is therefore prayed that Your Honour be pleased to:

- (i) Pass an order to direct the Officer-In-Charge, City Police Station by invoking the power under Section 156(3), Code of Criminal Procedure, 1973 to cause an investigation by registering an FIR case in connection



- 7 -

with the report lodged on 16.10.2023 by the  
Complainant/Applicant.

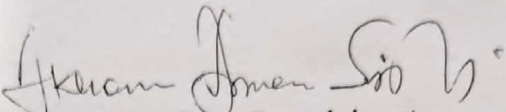


- (ii) Pass any order or direction as deemed fit & proper in  
the facts & circumstances of the case.

Dated/Imphal

The October, 2023.

By: H. Shivarex  
Advocate.

  
Signature of the Complainant

# 9856169919 #



# FIRST INFORMATION

FIRST INFORMATION OF A COGNIZABLE CRIMEREPORT UNDER SECTIN  
154 CRIMINAL PROCEDURE CODE AT POLICE STATION—

Sub-Division

District

FIR No.

CG(10)2023  
City P.S.

U/S

406/415/2021 PC

date &

hour of occurrence

In different date  
on 24/8/2022 & 02/9/2023.

Date and hour when reported

Place of occurrence & distance & direction  
from Police Station

Date of despatch from  
Police Station

27/31/10/2023

At 3:15 P.m

GBI. M.G. Avenue,  
Imphal Bazaar

27.31/10/2023

X about 50 mtrs  
X North

N.B. — A first information must be authenticated by the signature mark of thumb  
impression of informant and attested by the signature of the officer recording it.

Name & resi- dence of in- formant/com- plainant	Name & residence of accused	Brief description of offence with section and of property carried off if any	Step taken regarding investigation explana- tion of delay in recor- ding information,	Result of the case
Akhrom Amen Singh 55 yrs. & Co. Late. Manikor Singh & Sagokhand Salam Leikai, Imphal West OX attached	M/s. Shri Banke Bihari Polymer bearing GSTIN NO. — 07JPR414M1ZJ at K-59/1, Fateh Nagar New Delhi	Criminal breach of trust - hereby cheating.  / Punishable u/s. 406/415/420 I.P.C	S.I. L. Pedersonsing & Singh with Psease - investigate the case.	

IC, City P.S.  
27/31-10-2023

Officer-in-Charge  
City Police Station  
Imphal West District, Manipur

Signed M. Roshan Singh

Designation Insp/IC, City P.S.  
27/31-10-2023  
Officer-in-Charge  
City Police Station