

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15193 of 2023

Petitioner :- Ankit

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Rakesh Kumar Srivastava

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Rakesh Kumar Srivastava, learned counsel for the petitioner and Shri G.P. Singh, learned AGA for the State respondents.

2. Present petition has been filed with a prayer for quashing the F.I.R. dated 22.08.2023 registered as Case Crime No. 327 of 2023, under Section 2/3 of U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station Sector-49 Noida, District Gautambuddh Nagar, with a further prayer not to arrest the petitioner in pursuance of the impugned F.I.R.

3. Submission of learned counsel for the petitioner is that on the basis of old case of the year 2020, the provisions of Gangsters Act have been imposed, wherein the petitioner has already been granted bail.

4. Learned A.G.A. submits that present controversy has already been decided by Hon'ble Apex Court in the case of **Shraddha Gupta vs The State Of Uttar Pradesh** decided on 26 April, 2022 in Criminal Appeal No. 569-570 of 2022 that the provisions of Gangster Act can be imposed on the basis of a solitary case.

5. We have considered the rival submissions and perused the record.

6. Rule 22 of the Gangster Rule, 2001 clearly provides that criminal history is not required and the FIR under the Gangster Act can be registered on the basis of a single case. Hon'ble Apex Court has also held the same in *Shraddha Gupta* (supra). Rule 4(2) proviso of the Gangster Rule clearly provides that the cases within three years period can be considered for the purpose of invoking

the provisions of Gangsters Act.

7. In view of the above, we do not find any good ground to show interference in the present matter.

8. Accordingly, the writ petition stands dismissed.

Order Date :- 19.10.2023

Shafique