

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15937 of 2023

Petitioner :- Anwar Raza

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

Counsel for Petitioner :- Rajesh Dwivedi

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard learned counsel for the petitioner and learned AGA for the State respondents.
2. Present petition has been filed with a prayer for quashing the F.I.R. dated 07.08.2023, registered as Case Crime No. 054 of 2023, under Section 3(1) of U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station Rajpur, District Kanpur Dehat 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 are based on factual aspect of the matter in the base case whereas, admittedly a charge sheet has been submitted in the base case and the petitioner has also obtained anticipatory bail. Insofar as the quashing of the present FIR on legal ground is concerned, it is submitted that the impugned first information report has been lodged against the petitioner only on the basis of sole case.
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 and find that petitioner is a gang leader.
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).
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 :- 30.10.2023

Ujjawal