

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16100 of 2023

Petitioner :- Ravi Prakash Tripathi

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

Counsel for Petitioner :- Keshari Nath Tripathi

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Shiv Shanker Prasad,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State.

The instant writ petition seeks quashing of the FIR dated 23.08.2023 giving rise to Case Crime No.443 of 2023, under Sections 3(1) U.P. Gangster Ante Social Activities (Prevention) Act, 1986, Police Station- Chiluwa Tal, District- Gorakhpur.

The only contention of the learned counsel for the petitioner is that although the provisions of the Gangsters Act has been invoked against the petitioner on the basis of a single base case. Therefore, the F.I.R. lodged against the petitioner is not sustainable. The first information report in the base case pertains to a civil dispute which could not have been made basis of the impugned F.I.R.

Since the F.I.R. in the base case is also under Sections 406, 419, 420 occurring in Chapter XVII of the I.P.C. regarding which offences the Gangster Act can be invoked as provided in Section 2(b)(i) of the Act itself, the argument lacks merit. Apart from the above, no other illegality has been pointed out by the petitioner.

It is not open for this Court to examine the first information report in the base case as it is not under challenge in this petition.

In view of above we do not find any fit ground for interference.

Moreover, the allegations made in the First Information Report clearly disclose commission of cognizable offences. Therefore, prayer of the petitioner to quash the First Information Report is completely misconceived and is rejected.

The writ petition is therefore dismissed, without prejudice to the right of the petitioner to apply for bail.

Order Date :- 12.10.2023/Abhishek Singh