

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 16210 of 2023

Petitioner :- Mayank Kumar Tripathi

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Rajni Kant Chaube

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

Heard learned counsel for the petitioner, learned A.G.A. appearing for the State-respondents and perused the record.

By means of this writ petition under Article 226 of the Constitution of India, the petitioner is assailing the illegality and validity of the FIR dated 14.9.2023 registered as Case Crime No. 569 of 2023, under Section 3(1) of U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station Ramgarh Tal, District Gorakhpur.

Upon hearing learned counsel for the parties and upon a perusal of the record, we are of the considered opinion that the cognizable offence is made out against the petitioner and there is no occasion or reason to quash the FIR in exercise of power conferred under Article 226 of the Constitution of India.

Accordingly, the prayer for quashing the FIR is declined and refused.

However, it is open for the petitioner, if so advised, he shall move proper anticipatory bail application before the appropriate forum, within ten days from today.

It is also made clear that the Court is not expressing any opinion on the merits of the case. The court concerned is expected to apply its robust and judicial discretion in deciding the anticipatory bail application as early as possible.

With the above observation, the writ petition is **disposed of**.

Order Date :- 18.10.2023

Israr