

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16508 of 2023

Petitioner :- Satya Prakash Singh @ Rudal Singh

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

Counsel for Petitioner :- Chandra Prakash Singh

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Sri C.P. Singh, learned counsel for the petitioner and Sri Ratan Singh, learned AGA for the State respondents.

2. Present petition has been filed with a prayer for quashing the F.I.R. dated 26.9.2023, registered as Case Crime No. 126 of 2023, under Section 3 (1) U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station Iliya, District Chandauli with a further prayer not to arrest the petitioner in pursuance of the impugned F.I.R.

3. Vide order dated 18.10.2023, learned AGA was directed to seek instructions in the matter regarding criminal history of the petitioner herein. He states that there is only one case in the base FIR against the petitioner wherein charge-sheet has already been submitted.

4. Sole submission is that the impugned first information report has been lodged against the petitioner on the basis of solitary case and there is no other criminal history against the petitioner.

5. Learned A.G.A. submits that present controversy has already been decided by Hon'ble Apex Cour 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.

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

7. 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).

8. Additionally, we find that one petition filed by co-accused Ratan Rajbhar @ Ratan Rai being Criminal Misc. Writ Petition No. 16484 of 2023 (Ratan Rajbhar @ Ratan Rai vs. State of UP and others) has been dismissed by a co-ordinate Bench of this Court vide order dated 18.10.2023 and another petition filed by Vaibhav Kunar Singh @ Shivam Singh being Criminal Misc. Writ Petition No. 16336 of 2023 (Vaibhav Kunar Singh @ Shivam Singh vs. State of UP and others) was also dismissed for want of prosecution on 17.10.2023 and according to the learned counsel for the petitioner, a restoration

application is pending.

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

10. Accordingly, the writ petition stands dismissed.

Order Date :- 9.11.2023

Abhishek