

**Court No. - 43**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 17036 of 2023

**Petitioner :-** Salim Hussain And 4 Others

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

**Counsel for Petitioner :-** Rahul Kumar Pandey

**Counsel for Respondent :-** G.A.

**Hon'ble Anjani Kumar Mishra,J.**

**Hon'ble Vivek Kumar Singh,J.**

1. Heard learned counsel for the petitioners and learned A.G.A. for the State.

2. The writ petition seeks the following relief:-

*"i) Issue a writ, order or direction in the nature of certiorari quashing the impugned notice dated 06.07.2023 issued by respondent no.2 U/s 3 of Uttar Pradesh Control of Goondas so that justice may be done. (Annexure No.1 to this writ petition)."*

3. The contention of learned counsel for the petitioners is two fold. The first submission is that the notice under the Goondas Act has been issued to the petitioners on the basis of a single case.

4. The second submission is that proceedings of that single case have been quashed in an application under Section 482 Cr.P.C. filed by the petitioner.

5. Learned AGA has pointed out that the notice under the Goondas Act has been issued prior to the order of the High Court quashing the proceedings under Section 482 Cr.P.C.

6. Under the circumstances, no useful purpose is going to be served by entertaining this writ petition, especially since the petitioners still have every right of raising the pleas being raised by means of this writ petition in his objection to the notice. This is also in consonance with the view taken in ***Kareem vs. State of U.P. through Principal Secretary, Misc. Bench No.24256 of 2020.***

7. Under the circumstances, the petition is disposed of with the observation that the petitioners may reply to the notice raising all pleas that may be available, both on facts and on law. It is

expected that in case, such a reply is filed, the same may be considered strictly on its merits and an order be passed thereon, as expeditiously as possible preferably within a period of six weeks from the date a certified copy of this order is filed before him.

**Order Date :- 31.10.2023**

Mayank