

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16747 of 2023

Petitioner :- Sanjeev Kumar And 3 Others

Respondent :- State Of U. P. And Another

Counsel for Petitioner :- Subodh Pandey

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Sri Subodh Pandey, learned counsel for the petitioners and learned A.G.A. for the State respondents.
2. The petitioners, by means of this writ petition under Article 226 of the Constitution of India, has invoked the jurisdiction of this Court with prayer to quash the impugned First Information Report dated 23.09.2023 registered as Case Crime No. 277 of 2023, under Sections 3(1) U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, P.S. Mainather, District Moradabad, and for a direction to the respondents not to arrest the petitioners in pursuance of impugned First Information Report.
3. Submission of the learned counsel for the petitioners is that only two cases have been shown against the petitioners and the gangster chart has been prepared without application of mind and the District Magistrate has also approved the gangster chart without applying his mind. It is next submitted that both the criminal cases shown to be pending against the petitioners and the offences in the present first information report relates to the land dispute and petitioners are neither the land owners nor buyers nor witnesses and as such a totally civil dispute has been given colour of criminal case. Therefore, the impugned first information report is liable to be quashed.
4. Per contra, learned A.G.A. submits that in both the cases charge sheet has been submitted and the first information reports are of similar nature and there is no violation of Gangsters Rules, 2021.

The arguments raised by the learned counsel for the petitioners are in respect of the first information report wherein charge sheet has already been submitted against the petitioners and as such have no relevance, whereas in the present case the authority concerned has, after applying his mind, approved the gangster chart and no violation, whatsoever, has been pointed out with respect to the Gangsters Act or the Rules framed thereunder.

5. In view of the above, we find substance in the argument of the learned A.G.A. The petition is devoid of merits and is, accordingly, dismissed.

Order Date :- 9.11.2023

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