

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16749 of 2023

Petitioner :- Imran Ali Ansari @ Imran Ansari

Respondent :- State Of U. P. And Another

Counsel for Petitioner :- Subodh Pandey, Avinash Kumar Singh

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

Heard Sri Subodh Pandey, learned counsel for the petitioner and Sri G.P. Singh, learned A.G.A.

Present writ petition has been preferred for quashing the order dated 29.09.2023 passed by respondent no. 2 in Case No. 728 of 2023 (State vs. Imran Ansari) under Section 3/4 U.P. Control of Goondas Act, 1970, P.S. Khukhundu, Distt. Deoria.

At the very outset, learned A.G.A. has raised preliminary objection regarding the maintainability of the writ petition on the ground that against the order impugned the petitioner has got alternative efficacious remedy to file appeal under Section 6 of the U.P. Control of Goondas Act, 1970 and once alternative remedy is available, there is no reason or occasion to bypass the same and as such the writ petition is liable to be dismissed.

Learned counsel for the petitioner could not dispute the aforesaid fact.

Present petition is accordingly dismissed on the ground of alternative remedy.

Order Date :- 9.11.2023

Pkb/