

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17265 of 2023

Petitioner :- Santosh Kuamr Dhangar

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

Counsel for Petitioner :- Kamlesh Kumar Singh

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. List revised.

2. No one is present to press this petition.

3. Present petition has been filed with a prayer for quashing the F.I.R. dated 10.10.2023 registered as Case Crime No. 277 of 2023 under Section 3 (1) U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station Chandauli, District Candauli with a further prayer not to arrest the petitioner in pursuance of the impugned F.I.R.

4. We have heard Sri G.P. Singh, learned A.G.A. for the State, therefore we proceed to consider the case on merits.

5. On perusal of record, it appears that present petition has been filed on the ground that no prima facie offence under U.P. Gangster and Anti Social Activities (Prevention) Act, 1986 has been made out against the petitioner. The petitioner has been released on bail in the base F.I.R. and the police has falsely implicated him in the present case.

5. Per contra learned A.G.A. pointed out that petitioner is an active member of gang and charge-sheet has also been submitted against him in the base F.I.R. and even on the basis of solitary case, provisions of Gangster Act has been imposed. Admittedly, learned A.G.A. further 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**. It is further submitted that Rule 22 of the The Uttar Pradesh Gangster and Anti Social Activities Prevention Rules 2021 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.

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

8. Accordingly, the writ petition stands **dismissed**.

Order Date :- 3.11.2023/Vibha