

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17455 of 2023

Petitioner :- Chandni @ Chandan

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

Counsel for Petitioner :- Shamasul Eslam

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Sri Shamasul Eslam, learned counsel for the petitioner and Sri Rajesh Kumar Madheshiya, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 16.10.2023, registered as Case Crime No. 0506 of 2023, under Sections 3(1) of the U.P. Gangsters & Anti Social Activities (Prevention) Act, 1986, Police Station Jhagaha, District Gorakhpur. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of learned counsel for the petitioner is that only on the basis of two cases the provision of gangster act has been invoked and in both cases the petitioner has been granted bail. It is submitted that petitioner has falsely implicated in the base FIR and therefore provision of gangster act is absolutely malafide.

4. Per contra, learned AGA submits that petitioner is gang leader, the nature of offences are identical, provision of several offences in which the cases noted in the gang charge are identical and the petitioner has criminal history of 11 cases as mentioned in the gang chart.

5. We have gone through the record and find that criminal history of 11 cases has not been explained anywhere in the petition and sole submission is that the petitioner is falsely implicated, we find that cognizable offence is made out against the petitioner and the gang chart has been prepared in accordance with law.

6. Accordingly, the present petition is devoid of merit and is dismissed.

Order Date :- 29.11.2023

Ujjawal