

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17508 of 2023

Petitioner :- Aadam

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Mohammad Danish, Mohammad Iliyas

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Mohammad Danish, learned counsel for the petitioner, Shri Ratan Singh, learned AGA for the State-respondents, and perused the record.
2. Present petition has been filed with a prayer for quashing the F.I.R. dated 30.9.2023 registered as Case Crime No.0623 of 2023, under Section 2/3 U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station Civil Lines, District Aligarh.
3. Submission of learned counsel for the petitioner is that the petitioner is not a habitual offender and is not involved in any anti-social activities, he has been falsely implicated in the present case. Further submits that the impugned First Information Report has been lodged against the petitioner on the basis of two cases. He was not named in the base FIR and also he was not named in the FIR relating to offence under section 302 IPC, and therefore, the impugned FIR is liable to be quashed.
4. Learned A.G.A. pointed out that the base FIR was lodged against four unknown persons as well and the charge-sheet has been submitted against the petitioner, and no case for interference is made out. 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 that the provisions of Gangster Act can be imposed on the basis of a solitary case.
5. We have considered the rival submissions and perused the record.

6. Rule 22 of the Gangster Rule, 2001 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. Hon'ble Apex Court has also held the same in *Shraddha Gupta* (supra).

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 :- 22.11.2023

Anil K. Sharma