

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17589 of 2023

Petitioner :- Krishnamurari And Another

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

Counsel for Petitioner :- Shri Ram Yadav, Sarvesh Kumar Pandey

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Sarvesh Kumar Pandey, learned counsel for the petitioners and Shri Ratan Singh, learned A.G.A. for the State.
2. The present writ petition has been preferred with the prayer to quash the impugned first information report dated 15.10.2023 registered as Case Crime No. 0825 of 2023 under Section 2/3 of U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station- Tundla, District- Firozabad, and for a direction to the police not to arrest the petitioners in pursuance of the impugned first information report.
3. Sole submission of learned counsel for the petitioners is that the impugned First Information Report has been lodged against the petitioners on the basis of solitary case, and there is no other criminal history against the petitioners. It is submitted that petitioners are on bail and charge-sheet has been submitted.
4. Learned A.G.A. submits that present controversy has already been decided by Hon'ble Apex Court 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. Learned A.G.A. also points out that the petitioner herein is the gang leader.
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 :- 29.11.2023

Shafique