

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17614 of 2023

Petitioner :- Mohd. Ajeeb @ Dhelwa

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

Counsel for Petitioner :- Rayoof Ali

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Sri Neeraj Srivastava, Advocate, holding brief of Sri Rayoof Ali, learned counsel for the petitioner and Sri Ratan Singh, learned A.G.A. appearing for State.

2. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 3.10.2023 registered as Case Crime No. 372 of 2023, under Section 3(1) of U.P. Gangster and Anti Social Activities (Prevention) Act, Police Station Dudhara, District Sant Kabir Nagar. Further prayer has been made to not to arrest the petitioner in the aforesaid case.

3. Submission of learned counsel for the petitioner is that present criminal prosecution is absolutely malicious in nature and it is for the third time the provisions of Gangster Act have been imposed against him and, therefore, impugned F.I.R. is liable to be quashed. It is next submitted that petitioner has no concern, whatsoever, with the offence, as alleged, and has been falsely implicated. However, petitioner has not annexed the gang chart while challenging the F.I.R.

4. Learned A.G.A., placing reliance on gang-chart, received along with instructions, submitted that petitioner has criminal history of 14 cases, out of which 7 cases are of similar nature and he is a gang leader as well and, therefore, no interference with the impugned F.I.R. is called for.

5. On perusal of the record, we do not find any good ground warranting interference with the impugned F.I.R.

6. The writ petition is, accordingly, dismissed.

Order Date :- 29.11.2023

P.Sri.