Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17691 of 2023

Petitioner :- Mohd. Salman
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Manoj Kumar Tiwari,Sudhakar Shukla
Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.
Hon'ble Vinod Diwakar,J.

1. Heard Shri Sudhakar Shukla, learned counsel for the petitioner and Shri Surendra Singh, learned AGA for the State respondents.

2. Present petition has been filed with a prayer for quashing the F.I.R. dated 20.09.2023, registered as Case Crime No. 197 of 2023, under Section 3(1) U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station Saiyyad Raza, District Chandauli with a further prayer not to arrest the petitioner in pursuance of the impugned F.I.R.

3. Sole submission is that the impugned first information report has been lodged against the petitioner on the basis of solitary case and there is no other criminal history against the petitioner.

4. Learned A.G.A. 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. A reference may also be made to the judgement and order dated 4.8.2023 passed in ***Criminal Misc. Writ Petition No. 10708 of 2023 (Usman and 2 others vs. State of UP and 2 others)*** wherein

all such aspects have already been dealt with by this Court.

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

9. Accordingly, the writ petition stands dismissed.

Order Date :- 22.11.2023
Nitendra

Digitally signed by :-
NITENDRA TIWARI
High Court of Judicature at Allahabad