

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 18114 of 2023

Petitioner :- Bachchoo @ Bachchoo Singh And 2 Others

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Suresh Chandra Dwivedi, Ashutosh Dwivedi

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard learned counsel for the petitioners and learned A.G.A. for the State.

2. Present petition has been filed for the following relief:

"i) to issue a writ order or direction in the nature of certiorari quash the impugned jointly order dated 19.10.2023 passed by Additional Commissioner, Police Station Etampur, Commissionerate Agra, under Section-3 of U.P. Control of Goondas Act, 1970 passed in Complaint Case No.953 of 2023, State Vs. Bachchoo Singh, Complaint Case No.968 of 2023, State Vs. Mukesh Singh alias Karua, Complaint Case No.1083 of 2023, State Vs Udayveer."

3. Petitioners have challenged the order of externment passed by the Commissioner of Police, Agra Division, Agra. Against the order impugned, the petitioners have statutory alternative remedy of filing an appeal before the Commissioner of Police, Agra Division, Agra as provided u/s 6 of the U.P. Control of Goondas Act, 1970. This statutory remedy has not been availed.

4. Learned counsel for the petitioner submits that the object should be to minimize litigation.

5. We cannot accept this argument specially when statutory remedy has been provided to the petitioners for challenging the order which is impugned in this writ petition. There is also no justification why the statutory alternative remedy should be by-passed by exercising extraordinary jurisdiction under Article 226 of the Constitution of India.

5. In fact, in our considered opinion, this writ petition is a sheer abuse of the process of court.

6. The writ petition is therefore **dismissed** with cost of Rs.10,000/- to be deposited within a month, failing which the same shall be recovered as arrears of land revenue.

Order Date :- 22.11.2023

S.Chaurasia