

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 18055 of 2023

Petitioner :- Javed

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

Counsel for Petitioner :- Diwan Saifullah Khan

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard learned counsel for the petitioner, learned counsel for the first informant and learned A.G.A. for the State.

2. The instant writ petition seeks quashing of the FIR dated 02.11.2023 giving rise to Case Crime No.207 of 2023, under Sections 2/3 of U.P. Gangster & Anti Social Activities (Prevention) Act' 1986, Police Station- Aata, District- Jalaun.

3. It is contended that the gang chart on the basis of which the impugned FIR has been lodged has not mentioned the date on which the charge sheet was prepared in the base case. This is a necessary requirement. In the absence of this state the gang chart itself could not and should not have been approved and in relying upon such a gang chart and lodging the FIR smack of illegality.

4. Learned AGA despite his strenuous argument has not been able to show that the date on which charge sheet was prepared has been mentioned in the gang chart.

5. Under the circumstances, in our considered opinion the first information report lodged on the basis of such defective gang chart is not liable to be sustained.

6. The writ petition under the circumstances is **allowed**.

7. The first information report dated 02.11.2023 giving rise to Case Crime No.207 of 2023, under Sections 2/3 of U.P. Gangster & Anti Social Activities (Prevention) Act' 1986, Police Station- Aata, District- Jalaun is hereby quashed.

8. It is, however, clarified that quashing of the first information report is on technical ground and the same shall not preclude the respondents from taking fresh proceedings against the petitioner, in case, circumstances so demand.

Order Date :- 22.11.2023

Himanshu