

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18088 of 2023

Petitioner :- Raj Narain Jaiswal

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

Counsel for Petitioner :- Himanshu Pandey, Shivani Singh

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

This petition has been filed with the prayer to quash the First Information Report in Case Crime No. 48 of 2023, under Section 3(1) Uttar Pradesh Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station- Pipari, District- Sonbhadra.

Learned counsel for the petitioner states that the petitioner has already been granted appropriate protection by this Court in petition filed under Section 482 Cr.P.C. in the base case, where the allegation against the petitioner was of offences under the Excise Act. It is submitted that impugned F.I.R. is clearly an abuse of the process of law.

Apart from the base case under the Excise Act, it transpires that petitioner has also been implicated in offences under the N.D.P.S. Act in the adjoining State. Merely because petitioner has been enlarged on bail in those cases, would not lead to an inference that the implication of the petitioner is absolutely false. Prima-facie allegation with regard to commissioning of offences under the Gangster Act is disclosed and it is, otherwise, found that cases under the Excise Act and N.D.P.S. Act have been instituted against the petitioner. Defence of the petitioner in that regard is not required to be considered at this stage.

Leaving all questions open for examination at the stage of investigation, this petition filed with the prayer to quash the F.I.R. is declined and the petition is **dismissed**.

Order Date :- 13.12.2023

SP/-