

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 18220 of 2023

Petitioner :- Utkarsh Srivastva

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

Counsel for Petitioner :- Santosh Kumar Dubey

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 and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 30.10.2023 giving rise to Case Crime No.1606 of 2023, under Section 2/3 of U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station- Indirapuram, District- Ghaziabad.
3. The contention of counsel for the petitioner is that the base case is of different district while the impugned FIR under the Gangster Act has been registered at adjoining district. On pointed query by the Court as to the provision of Gangster Act or any other provision of law which prohibits the lodging of F.I.R. under Gangster Act in a neighbouring district.
4. Counsel for the petitioner submitted that this is his submission. In absence of any legal provision whereupon submission of counsel for the petitioner may be based, the same cannot be accepted. Even otherwise, the allegations in the FIR contain the ingredients of cognizable offence. Such an FIR, therefore, is not liable to be quashed.
5. The writ petition is therefore **dismissed**, without prejudice to the right of the petitioner to apply for bail/anticipatory bail.

Order Date :- 23.11.2023

A.Kr.