

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18663 of 2023

Petitioner :- Nikhil Dwivedi And Another

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

Counsel for Petitioner :- Pramod Kumar Tripathi, Shiv Narayan Pandey

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

1. This petition has been filed with the prayer to quash the first information report dated 24.1.2023 registered as Case Crime No.81 of 2023 under Section 2/3 UP Gangsters (Prevention) Act, 1986, Police Station-Kotwali Nagar, District-Banda, on the ground that petitioners have already been bailed out in the base case.

2. Perusal of record would go to show that petitioners had been implicated under N.D.P.S. Act for possessing 4 kg. Ganja. Law is otherwise settled that even on the basis of single case, proceedings can be initiated under the Gangsters Act.

3. Considering the nature of allegation made against the petitioners as also the fact that prima facie commissioning of cognizable offence is disclosed, we decline the prayer made in the writ petition to quash the FIR.

4. Writ petition is, accordingly, dismissed.

Order Date :- 7.12.2023

LN Tripathi