

**Reserved On: 05.12.2023**

**Delivered On: 13.12.2023**

**Court No. - 43**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 18843 of 2023

**Petitioner :-** Roshini Ahirwar

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

**Counsel for Petitioner :-** Sudhir Kumar Agarwal

**Counsel for Respondent :-** G.A.

**Hon'ble Anjani Kumar Mishra,J.**

**Hon'ble Arun Kumar Singh Deshwal,J.**

**Delivered by 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 21.10.2023 lodged by respondent nos.2 and 3 against the petitioner registered as Case Crime No.400 of 2023, under Section-3(1) of U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986 (hereinafter referred to as "Gangsters Act, 1986"), Police Station-Prem Nagar, District-Jhansi.
3. Contention of learned counsel for the petitioner is that in the impugned F.I.R., only Section-3(1) of Gangsters Act, 1986 has been mentioned which is the provision for imposing penalty upon gangsters. However, there is no other provision showing the anti social activities in which the petitioner is alleged to have indulged on account of which the petitioner is being prosecuted as gangster.
4. Second contention of learned counsel for the petitioner is that while forwarding and approving the gang chart, no satisfaction was recorded and forwarding as well as approving authority have signed the printed proforma which is clearly violation of Rules 16 and 17 of the U.P. Gangsters and Anti-Social Activities (Prevention) Rules, 2021 (hereinafter referred to as the 'Rules, 2021').
5. After hearing learned counsel for the petitioner as well as learned AGA and upon perusal of FIR as well as gang chart, this court finds that FIR has been registered u/s 3(1) of the Gangsters Act, 1986 without mentioning the anti-social activities in which the accused is involved and on the basis of which he was termed as gangster and it is also clear from the perusal of gang chart that forwarding officer as well as approving authority have

simply signed the printed proforma regarding their satisfaction without recording satisfaction as required by Rule 16 of the Rules, 2021 which itself is violation of Rule 17 of the Rules, 2021.

6. This court in **Criminal Misc. Writ Petition No.18729 of 2023 (Asim @ Hassim Vs. State of U.P. and Another)** decided on **02.12.2023**, has observed as follows:

*"9. In the present case, the impugned F.I.R. was registered u/s 3(1) Gangsters Act, without mentioning the corresponding provision, mentioning the anti social activities in which the accused is involved and on the basis of which he was named as gangster. A person cannot be punished without specifying the offence committed by him which would justify his classification as a Gangster.*

*10. Considering the aforesaid facts and circumstances, this Court is of the view that the impugned F.I.R. is illegal being contrary to the provision of Gangsters Act by failing to mention the relevant section of the Act. Therefore, the impugned F.I.R. is hereby quashed."*

7. Therefore, in view of the above judgement as well as on the ground that gang chart has been prepared in violation of Rules 16 and 17 of the Rules, 2021, impugned FIR as well as gang chart are hereby quashed.

8. However, respondent-authorities are at liberty to prepare fresh gang chart, in accordance with law and thereafter may lodge FIR in accordance with the observations as mentioned above.

9. With the above observations, the present application is **allowed**.

**Order Date :- 13.12.2023**  
S.Chaurasia