

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 19249 of 2023

Petitioner :- Babbi Choudhary

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

Counsel for Petitioner :- Gaurang Kulshreshtha, Prem Sagar Verma

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

Petitioner is aggrieved by his implication in Case Crime No.515 of 2023 under Section 2/3 of the UP Gangster and Anti-Social Activities (Prevention) Act, 1986, Police Station-New Agra, District-Agra, which contains allegations to the effect that petitioner has indulged in gang activity. The base case relied upon in the gang-chart shows that petitioner had indulged in gambling activity during IPL matches. The petitioner otherwise has a criminal history of three cases and merely because he has been bailed out, it would not mean that the *prima facie* allegations made in the FIR are incorrect.

Since *prima facie* allegation with regard to commissioning of cognizable offence is disclosed, we decline to interfere in the writ petition to quash the FIR.

The writ petition is, accordingly, dismissed.

Order Date :- 12.12.2023

LN Tripathi