

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 4246 of 2023

Petitioner :- Ghanshyam Srivastava

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home Lko. And Others

Counsel for Petitioner :- Aditya Vikram Shahi, Sumit Chauhan

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Short counter affidavit filed today by the learned A.G.A. is taken on record.

Learned counsel for the petitioner has filed legible copy of the gang chart.

Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents.

This petition has been filed praying the following reliefs:-

(a) Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information dated 20.11.2022, vide case crime no. 626 of 2022 under Section 3 (1) of the Uttar Pradesh Gangsters and Anti Social Activities (Prevention) Act, 1986, lodged at Police Station- Masauli, District- Barabanki as contained in Annexure-1 to this writ petition.

(b) Issue a writ, order or direction in the nature of mandamus commanding the opposite party not to harass, detain or prosecute the petitioner in pursuance of the impugned F.I.R.

Learned A.G.A. has filed a short counter affidavit saying that two F.I.Rs. have been shown in the gang chart against the petitioner. One is case crime no. 226 of 2020 under Section 419, 420, 467, 468, 471, 507 I.P.C. wherein charge sheet no. 107 of 2021 dated 6.6.2021 was filed in court on 11.6.2021. In case crime no. 141 of 2022 under Section 406, 420, 467, 468, 471, 34, 120-B and 177 I.P.C. wherein charge sheet dated 4.10.2021 was filed in court on 30.10.2021. As such there are two cases referred to in the gang chart and in both cases charge sheet was filed in court much before preparation of the gang

chart.

It has been submitted by the learned counsel for the petitioner that petitioner has been falsely implicated. It has been submitted that from same persons, who are supposed to have collaborated with the petitioner and members of the gang have lodged F.I.R. against the petitioner.

The Court having perused the impugned F.I.R. and also Rule 22 of the 2021 Rules finds no ground to show interference.

The writ petition is, accordingly, **dismissed**.

Order Date :- 11.12.2023

Anuj Singh