

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8158 of 2023

Petitioner :- Deshdeepak Shukla Alias D.D. Shukla And Another

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

Counsel for Petitioner :- Afaq Zaki Khan

Counsel for Respondent :- G.A.

Connected With:

Case :- CRIMINAL MISC. WRIT PETITION No. - 8850 of 2023

Petitioner :- Anuj Singh Yadav @ Anuj Kumar Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And Others

Counsel for Petitioner :- Avadhesh Mishra

Counsel for Respondent :- G.A.

Connected With:

Case :- CRIMINAL MISC. WRIT PETITION No. - 8918 of 2023

Petitioner :- Ram Lakhan Gautam

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

Counsel for Petitioner :- Kunwar Bahadur Singh

Counsel for Respondent :- G.A.

And

Case :- CRIMINAL MISC. WRIT PETITION No. - 8924 of 2023

Petitioner :- Alok Srivastava Alias Banti

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

Counsel for Petitioner :- Kunwar Bahadur Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Since all the writ petitions relate to the same FIR and the facts of both the writ petitions are similar, all writ petitions are being heard and decided with a common order.

2. Heard learned counsel for the petitioners, learned AGA who appears on behalf of State-respondents and perused the record.

3. This writ petition has been filed with a prayer to issue a writ, order or direction in the nature of Certiorari for

quashing the impugned FIR dated 9.10.2023 registered as F.I.R. No. 0706 of 2023 under Sections 2/3 of U.P. Gangster and Anti Social Activities (Prevention Act), P.S. Kotwali City, District Hardoi and for a direction to the respondents not to arrest the petitioners pursuant to the impugned FIR.

4. This Court has passed an order on 20.11.2023 which is being quoted hereinbelow:

"1. Heard learned counsel for the petitioners and learned A.G.A. for the State Respondents.

2. A supplementary affidavit has been filed by learned counsel for the petitioners containing typed copy of the gang chart, which is taken on record.

3. Learned counsel for the petitioners has pointed out in paragraph-04 of the supplementary affidavit filed by him today. He says that the gang chart has been prepared without following Rules of 2021. The Recommending Authority/Nodal Officer has prepared the gang chart on 28.09.2023. The Superintendent of Police, Hardoi has signed the same on 02.10.2023, the District Magistrate, however, has not mentioned any date below his signature, and he has not recorded any satisfaction as per rules.

4. Learned A.G.A. for the State has pointed out that the Rules only provides that a joint meeting be held of the District Police Chief and the District Magistrate before approval is granted to the gang chart.

5. It has also been submitted that there is no requirement that signature showing such approval should be made on the same day by both the officers. A joint meeting is held every time a gang chart is prepared and records relating to the same are maintained in the office of the Superintendent of Police.

6. Learned A.G.A. for the State Respondents shall produced the records relating to preparation and approval of the gang chart on the next date of listing.

7. List this case on 30.11.2023 as fresh."

5. The original register regarding minutes of the meeting for approval of the gangchart between the District Police Chief and the District Magistrate has been produced before this Court. It has several number of pages starting from page no. 2 to 14. Several minutes of the meeting have been recorded therein of various dates for approval of gangchart relating to propose accused under the Gangster Act. Page no. 13 is the minute of the meeting dated 2.10.2023 which has been signed by the Superintendent of Police, Hardoi and the District Magistrate, Hardoi on the same date.

6. The original register/paper book regarding proposal submitted by the Nodal Officer has also been produced by the learned AGA before this Court which has been prepared in the ordinary course. We have satisfied that a general meeting took place on 2.10.2023 where both the Officers have approved the gangchart prepared against the petitioners.

7. Attested copy of the page no. 13 of the said register is directed to be kept on record.

8. This Court, having perused the original record, is satisfied that there is no procedural irregularity in granting of approval the gangchart.

9. Learned counsel for the petitioners has argued that in the impugned FIR itself, it has been mentioned that the gangchart was approved on 4.10.2023.

10. We have considered the relevant portion pointed out by the learned counsel for the petitioners and find that it only mentions that the approved gangchart was received by the Police Officer concerned on 4.10.2023. It does not say that the gangchart itself was approved on 4.10.2023.

11. In view of the aforesaid, this Court finds no good ground to show interference as prayed for, accordingly, the writ petition is **dismissed**.

Order Date :- 6.12.2023

AKK