

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9534 of 2024

Petitioner :- Virendra Kumar Rawat @ Virendra Kumar

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

Counsel for Petitioner :- Jitendra Kumar, Chhote Lal Yadav

Counsel for Respondent :- G.A.

Hon'ble Vivek Chaudhary, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned Counsel for the petitioner and learned A.G.A. for the State-respondents and perused the material placed on record.

2. By means of the present petition, the petitioner has sought issuance of direction in the nature of certiorari quashing the impugned First Information report dated 30.11.2024 registered in F.I.R. No.490/2024, under Section 3(1) of Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station-Dariyabad, District-Barabanki.

3. Learned Counsel for the petitioner submits that the petitioner is an innocent person and has been falsely implicated in the present case. The impugned FIR on the basis of two cases is illegal, there is no evidence on record to show that the petitioner is either a gang leader or member of any gang. Further submission of learned Counsel for the petitioner is that the gang chart is not properly prepared as the Incharge Inspector, Police Station-Dariyabad, District-Barbanki nowhere noted his satisfaction while preparing and forwarding the gang chart.

4. Learned A.G.A. for the State-respondents is unable to dispute the aforesaid fact.

5. Having learned Counsel for the parties and on perusal of record, this Court does not find any reason to call for a counter affidavit on behalf of the State-respondents as the gang chart itself is prepared in violation of Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 and Rules, as the said gang chart is incomplete, there is no satisfaction of the

officer concerned who forwarded the gang chart for even initiating a case against the petitioner under the Gangsters Act, 1986.

6. In view thereof, the present petition is ***allowed***. The impugned FIR dated 30.11.2024 registered in F.I.R. No.490/2024, under Section 3(1) of Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station-Dariyabad, District-Barabanki and the gang chart so far it relates to the petitioner are hereby quashed.

7. It goes without saying that the respondents authorities are at liberty to take appropriate fresh proceedings in accordance with law in case, they so desire.

[Om Prakash Shukla, J.]

[Vivek Chaudhary, J.]

Order Date :- 19.12.2024

Piyush/-