



2025:AHC:175737

## HIGH COURT OF JUDICATURE AT ALLAHABAD

### APPLICATION U/S 528 BNSS No. - 38066 of 2025

Vivek Singh Alias Amit Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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|-------------------------------|---|--------------|
| Counsel for Applicant(s)      | : | Rajesh Kumar |
| Counsel for Opposite Party(s) | : | G.A.         |

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**Court No. - 77**

**HON'BLE SAURABH SRIVASTAVA, J.**

1. Heard learned counsel for applicant and learned A.G.A. on behalf of the State.

2. This application has been preferred for quashing the charge-sheet dated 07.06.2022 along with cognizance/summoning order dated 03.09.2022 and the entire proceedings of Case No.834 of 2021, arising out of Case Crime No.286 of 2020, under Section 3(1) of The U.P. Gangster & Anti Social Activities (Prevention) Act, 1986, Police Station- Phoolpur, District- Varanasi, pending in the court of learned Special Judge, Gangster Act, Varanasi.

3. Learned counsel for the applicant submitted that the proceeding under the Gangster Act has been initiated against applicant on the basis of solitary case bearing Case Crime No.265 of 2019, under sections 147, 323, 504, 506, 308, 395, 397, 427 IPC, P.S. Phoolpur, District- Varanasi. In the said case, on the basis of compromise, proceedings initiated against the applicant has already been quashed by co-ordinate Bench of this Court vide order dated 30.09.2021 passed in Application u/s 482 Cr.P.C. No.6831 of 2021 along with connected applications. Learned counsel for applicant further submitted that once in the base case, proceeding has already been quashed, the instant proceeding under the Gangster Act cannot be drawn. In support of his submission, learned counsel for applicant has placed reliance on the judgement passed by the Apex Court in **Farhana vs. State of Uttar Pradesh and others [2024 0 INSC 118]** and stated that once the base case is already quashed, the impugned proceeding cannot go on under the Gangster Act and the entire process is unsustainable and liable to be set aside.

4. Per contra, learned A.G.A. vehemently opposed the prayer sought through the instant applicant and submitted that the proceeding in pursuance of Case Crime No.265 of 2019 was set aside on the basis of compromise, not on merit and as such, the proceedings of the FIR under the Gangsters Act cannot be quashed. In support of his submissions, learned AGA relied upon the judgment passed by Coordinate Bench of this Court in **Paras Chaudhary Vs. State of U.P. and another [Appl. U/S 482 No.11117 of 2024, decided on 03.05.2024]**.

5. After having the rival contentions raised by learned counsel for parties, it is crystal clear that base case depicted in the gang chart has already been quashed and once the proceedings of the base case depicted in the gang chart are quashed or the accused has been acquitted, the proceedings under the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act are liable to be quashed [**Ref: Farhana (supra) rendered by Hon'ble the Apex Court, Salim @ Piyaoo Vs. State of U.P. rendered by this Court in Criminal Revision No. 2541 of 2011, Jai Prakash and others Vs. State of U.P. rendered by this Court in Criminal Revision No. 3309 of 2008 and Sartaj Vs. State of U.P. rendered by this Court in Appl. U/S 482 No.11645 of 2007]**].

6. In wake of the preceding discussion, since the base case has been quashed, charge-sheet dated 07.06.2022 along with cognizance/summoning order dated 03.09.2022 and the entire proceedings of Case No.834 of 2021, arising out of Case Crime No.286 of 2020, under Section 3(1) of The U.P. Gangster & Anti Social Activities (Prevention) Act, 1986, Police Station- Phoolpur, District- Varanasi, pending in the court of learned Special Judge, Gangster Act, Varanasi, are hereby **quashed** only in pursuance of applicant herein.

7. The present application is, accordingly, **allowed**.

8. However, it is made clear that this order shall not preclude the authorities concerned to initiate fresh proceedings in pursuance of any other case against the applicant.

**September 26, 2025**  
Saif

**(Saurabh Srivastava,J.)**