2026:AHC:209575-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 9950 of 2025

Bablu

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Sudarshan Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE JAI KRISHNA UPADHYAY, J.

1. Case called out in the revised list.

2. Even though the name of Mr. Sudarshan Singh is duly published in the cause list as counsel for the petitioner, but neither he nor anyone on behalf of petitioner is present to press the writ petition even in revised call.

3. Learned AGA representing State-respondents 1 is present.

4. Perused the record.

5. Petitioner Bablu has approached this Court by means of present criminal misc. writ petition challenging the impugned FIR dated 03.08.2024 lodged by first informant respondent 2, Vinod Kumar Mishra SHO, and registered as Case Crime No. 166 of 2024, under Section 3(1) of UP Gangster and Ante Social Activities (Prevention) Act, Police Station - Alinagar, District - Chandauli.

6. Present writ petition came up for admission on 17.05.2025 and this Court passed the following order:-

"1. Heard learned counsel for the petitioner and learned AGA for State respondents.

2. Present writ petition has been preferred to quash the FIR dated 03.08.2024 being Case Crime No.166 of 2024 under Section 3 (1) of U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, P.S. Alinagar, Distt. Chandauli and for a direction to respondents not to arrest the petitioner pursuant to impugned FIR.

3. This much is averred that the petitioner has been falsely implicated in the present

case and no offence under the aforesaid Section is made out against him. He has good reputation in the society. The petitioner is not a member or leader or organiser of a group which indulges in the kind of activities set out under the various sub-clauses of clause (b) of Section 2, by use of violence or threat or show of violence or intimidation etc. Ref : Ashok Kumar Dixit vs. State of U.P. 1987 (34) ACC 164. It is further averred that the use of word "activities"in a criminal proceeding cannot indicate that a single act of anti-social activity can turn a person into a gangster. There have to be at-least two acts and the commission of those act by the accused has to be established beyond reasonable doubt according rules of evidence as applicable to criminal trial. Ref: State of U.P. vs. Phool Mia 1998 (1) JIC 792 (All). It is averred that as per gang chart, there is only one criminal case registered against the petitioner as Case Crime No.65 of 2022 under Section 3/ 5A/ 5B/ 8 Cow Slaughter Act and 11 Animal Cruelty Act, P.S. Alinagar, Distt. Chandauli in which he has already been granted anticipatory bail by this Court and as such the impugned FIR is liable to be quashed.

4. Per contra, learned A.G.A. has vehemently opposed the writ petition and submitted that from bare perusal of the FIR cognizable offence is made out against the petitioner and the authorities had rightly invoked the provisions of Gangster Act. It is also submitted that even on the basis of solitary case proceeding under the Gangster Act can be imposed. Reliance in this regard has been placed on the judgment of Hon'ble Apex Court in the case of Shraddha Gupta vs The State Of Uttar Pradesh decided on 26 April, 2022 in Criminal Appeal No. 569-570 of 2022.

5. The matter requires consideration.

6. The respondents are accorded four weeks time to file counter affidavit. One week, thereafter, is accorded to file rejoinder affidavit. List thereafter.

7. Till the next date of listing, the petitioner shall not be arrested pursuant to impugned FIR, provided he cooperates with the investigation in question."

7. Upon perusal of order sheets we find that the interim order dated 17.05.2025 was never extended.

8. Considering the fact that the FIR in the present writ petition was lodged on 03.08.2024. A period of more than two years has rolled by since then. Therefore, Investigating Officer must have submitted police report. In all probability, cognizance upon aforesaid charge sheet/police report must have been taken by the jurisdictional magistrate. In view of above, we are of the considered view that by efflux of time, present writ petition has been rendered infructuous. It is accordingly dismissed as having rendered infructuous.

9. Interim order, if any, shall stand vacated.

October 6, 2026
S.K.S.

(Jai Krishna Upadhyay,J.) (Rajeev Misra,J.)

Digitally signed by :-
SUNIL KUMAR SINGH
High Court of Judicature at Allahabad