2026:AHC:209688-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. WRIT PETITION No. - 10057 of 2025**

Jitendra Paswan Alias Doctor

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

| | | |
|---|---|---|
| Counsel for Petitioner(s) | : | Narendra Nath Tripathi |
| 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. Narendra Nath Tripath 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-respondent 1 is present.

4. Perused the record.

5. Petitioner Jitendra Paswan Alias doctor has approached this Court by means of present criminal misc. writ petition challenging the impugned FIR dated 06.05.2025 lodged by first informant respondent 2, Sadanand Singh SHO, and registered as Case Crime No. 0092 of 2025, under Section 2(b) (i), 2(b) (ii), 2(b) (xi), 3(1) of UP Gangster Act, Police Station - Rajghat, District - Gorakhpur.

6. Present writ petition came up for admission on 19.05.2025 and this Court passed the following order:-

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

*2. Present petition has been filed with a prayer for quashing the first information report dated 06.05.2025 registered as Case Crime No. 0092/2025 registered under Sections 2(b)(i), 2(b)(ii), 2(b)(xi) and 3(1) of the U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986 at Police Station Rajghat, District Gorakhpur.*

*3. The petitioner has invoked the writ jurisdiction to quash the validity of the impugned proceedings under the Gangster Act. Learned Senior Counsel for the petitioner vehemently submits that there is false implication of the petitioner under Section 2/3 of the U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986 (hereinafter referred to as 'the Act, 1986') and no case is made out under the Act, 1986, as neither he is the leader of any gang nor does he run any gang involved in any activity disturbing public order. The learned counsel for the petitioner points out that the only previous case registered against the petitioner was Case Crime No. 484/2023 under Sections 272 IPC, 60 Excise Act, and 8/21 NDPS Act at Police Station Rajghat, Gorakhpur, wherein after investigation, a charge sheet was filed only under Section 8/21 NDPS Act. In that case, the petitioner was neither arrested at the spot nor any contraband was recovered from his possession; his name allegedly surfaced only in the statement of a co-accused. He further submits that the case of the petitioner is distinguishable from other co-accused persons. The learned counsel for the petitioner emphatically argues that a single case, in which the petitioner has already been granted bail by the court below on 21.06.2024, cannot form the basis for invocation of the stringent provisions of the U.P. Gangsters Act, which requires a history of organized crime activities. The learned counsel for the petitioner highlights that apart from this solitary case, the petitioner has no criminal history whatsoever. Moreover, the learned counsel for the petitioner submits that the petitioner is a law-abiding citizen with good reputation in society and has never been involved in any organized criminal activity as falsely alleged.*

*4. Matter requires consideration.*

*5. All the respondents are accorded six weeks time to file counter-affidavit. One week, thereafter, for rejoinder. List immediately thereafter.*

*6. Considering the facts and circumstances of the case, as an interim measure, it is provided that until further order, respondents are restrained to arrest the petitioner pursuant to the impugned FIR, subject to cooperation in the on-going investigation."*

7. Upon perusal of order sheet we find that the interim order dated 19.05.2025 was never extended.

8. Considering the fact that the FIR in the present writ petition was lodged on 06.05.2025 and a period of one year and four months has rolled by since then, therefore, Investigating Officer must have submitted police report. In view of above, in all probability, cognizance upon aforesaid charge sheet/police report must have been taken by the jurisdictional magistrate.

9. 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.

10. 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