2026:AHC:209129-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 10590 of 2025

Neeraj Singh @ Neeraj Kumar Singh

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s) : Neeraj Kumar Srivastava, Pankaj Kumar
Counsel for Respondent(s) : G.A.

Court No. - 47

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

1. Case is called out in revised list.

2. Even though the names of Mr. Neeraj Kumar Srivastava and Mr. Pankaj Kumar are duly published in the cause list as counsel for petitioner, however, neither they nor anyone on their behalf is present to press the present writ petition, even in revised call.

3. Learned A.G.A. representing State/respondents 1 and 2 is present.

4. Perused the record.

5. Petitioner- Neeraj Singh @ Neeraj Kumar Singh has approached this Court by means of present Criminal Misc. Writ Petition challenging the FIR dated 09.11.2024 lodged by first informant/ respondent-3, Sri Ram Swaroop Verma Inspector In Charge Police of Police Station Ghorawal, District Sonbhadra and registered as Case Crime No. 0089 of 2025 U/s-3(1) U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station- Ghorawal, District- Sonbhadra.

6. Present writ petition came up for admission on 23.05.2025, 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 for quashing the impugned FIR dated 12.5.2025 registered as Case Crime No. 0089/2025, under Sections 3(1) U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, P.S. Ghorawal, Distt. Sonbhadra and for a direction to respondents not to arrest the petitioner pursuant to aforesaid FIR.

3. Learned counsel for the petitioner submits that petitioner has no complicity in the instant case. The whole prosecution story is totally false and frivolous and the petitioner has been falsely implicated with ulterior motive and mala-fide intention. He submits that the proceeding under the Gangster Act has been initiated against the petitioner only on the basis of solitary case bearing Case Crime No.233/2022, under Sections 420, 467, 468, 471, 272, 273, 34 IPC and Section 60(2) and 72(C) of the U.P. Excise Act, P.S. Ghorawal, District Sonbhadra, wherein petitioner has been released on bail in Criminal Misc. Bail Application No.13139/2023 (Neeraj Singh vs. State of U.P.), vide order dated 17.4.2023 passed by the learned Single Judge of this Court. He further submits that petitioner is neither gang member nor gang leader.

4. Matter requires consideration.

5. Learned A.G.A. appears for respondent no. 3.

6. All the respondents may file counter affidavit within six weeks. Petitioner shall have one week thereafter to file rejoinder affidavit. List immediately thereafter.

7. Considering the facts and circumstances of the case, as an interim measure, it is provided that till the next date of listing or till submission of police report u/s 173(2) Cr.P.C., whichever is earlier, respondents are restrained to arrest the petitioner pursuant to the impugned FIR, subject to cooperation in the on-going investigation.
"

7. On the matter being taken up, learned AGA representing State/respondents-1 and 2 submits that during pendency of present writ petition, Investigating Officer, upon completion of statutory investigation of aforesaid case crime number in terms of Chapter XII CRPC has already submitted the charge sheet / police report contemplated under Section 173 (2) Cr.PC.

8. However, submission of aforesaid report cognizance has been taken by the jurisdictional Magistrate in exercise of jurisdiction under Section 190 (1) (b) Cr.P.C. / Section 210 BNSS, we are therefore of the considered opinion that this writ petition has been rendered infructuous

9. It is, accordingly, **dismissed** as having rendered infructuous.

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

October 6, 2026
Imtiyaz

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

Digitally signed by :-
IMTIYAZ AHMAD
High Court of Judicature at Allahabad