2026:AHC:208221-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 10984 of 2025

Vijendra Gurjar

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rakesh Kumar Yadav
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. Rakesh Kumar Yadav is duly published in the cause list, neither he nor anyone on his behalf is present to press the present writ petition even in revised call.

3. Learned AGA representing State-respondent 1, 2 and 3 is present.

4. Perused the record.

5. Petitioner Vijendra Faujdar has approached this Court by means of present criminal miscellaneous writ petition challenging the impugned FIR dated 30.04.2025 lodged by first informant respondent 4, SHO, Vinod Kumar and registered as Case Crime No. 0153 of 2025, under Section 2/3 of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station - Ghiror, District - Mainpuri.

6. Present writ petition came up for admission on 28/5/2025 and this Court passed the following order.

"1. Heard learned counsel for the petitioner, learned A.G.A. appearing for the State-respondents and perused the material brought on the record.

2. The petitioner, by means of this writ petition under Article 226 of the Constitution of India, has invoked the inherent jurisdiction of this Court with the prayer to quash the impugned first information report dated 30.04.2025, registered as Case Crime No.0153 of 2025, under Section 2/3 of The Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station Ghiror, District Mainpuri. Further prayer has been made not to arrest the petitioner in pursuance of the impugned F.I.R.

3. The impugned FIR is challenged on the ground that on the basis of a solitary case, which was registered against the petitioner as Case Crime No.320 of 2024, under

section 8/20 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Ghiror, District Mainpuri, the Gangster proceedings have been invoked against the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has already been granted bail in the solitary case registered as Case Crime No.320 of 2024, vide order dated 19.03.2025, passed by learned Single Judge of this Court in Criminal Misc. Bail Application No.1663 of 2025 Bijendra Gujjar Vs. State of U.P.). on the basis of which present proceedings under the Gangsters Act were invoked against him. Therefore, the impugned FIR dated 30.04.2025 is liable to be quashed.

5. Matter requires consideration.

6. Learned AGA for the State-respondents may file counter affidavit within four weeks. Petitioner shall have two weeks, thereafter, to file rejoinder affidavit.

7. Let the matter be listed after expiry of the aforesaid period.

8. Considering the facts and circumstances of the case as briefly discussed above, as an interim measure, till the next date of listing or till submission of police report under Section 173(2) Cr.P.C., whichever is earlier, the respondents are restrained from arresting the petitioner pursuant to the impugned FIR, subject to cooperation in the on-going investigation".

7. As no one appears on behalf of petitioner to press the present writ petition, it is accordingly dismissed for want of prosecution. Interim order, if any, shall stand vacated.

8. Learned AGA shall inform the authority concerned about this order.

October 5, 2026
S.K.S.

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

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