2026:AHC:211620

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 23680 of 2026

Rizwan Ahmad @ Bablu

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Janardan Yadav, Manikant Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 73

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for applicant, Chandan Singh, learned A.G.A. for State and perused the material on record.

2. This application has been preferred for quashing the entire proceedings of Special Sessions Trial No.155 of 2025, (State Vs. Rizwan Ahmad @ Bablu and others) arising out of Case Crime No.177 of 2024 under Sections 2(b)(1), 3(1) of U.P.Gangsters Act, Police Station Mehnagar, District Azamgarh pending before learned Special Judge Gangsters Act, Court No.6, District Azamgarh as well as to quash the charge sheet dated 04.04.2025 and also to quash the cognizance order dated 31.05.2025 passed in the aforesaid case.

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.29 of 2021, under Sections 302/149, 120B, 504 I.P.C., and Section 3/25 Arms, Police Station Mehnagar, District Azamgarh. He further submits that after submission of charge sheet in the aforesaid case, the trial was commenced as Sessions Trial No. 198 of 2021 (State Vs. Rizwan Ahamad and others) arising out of Case Crime No.29 of 2021 and the learned trial Court acquitted the applicant vide Judgement and order dated 20.02.2026. He further submits that no cause of action survives before prosecution to initiate proceedings under sections 3(1) of Gangster Act against the applicant. Learned counsel for applicant further submitted that once in the base case, proceeding has already been culminated in acquittal of the accused-applicant, 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/dismissed 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 on account of quashing/acquittal or dismissal if predicate offence of the FIR/Chargesheet 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, **Sartaj Vs. State of U.P.** rendered by this Court in Appl. U/S 482 No.11645 of 2007] **and Gyanendra Chaudhary vs. State of U.P.** rendered by this Court in the Application under Section 482 Cr.P.C. No.43910 of 2022.

6. In wake of the preceding discussion, since the base case has been quashed, thus the entire proceedings of Special Sessions Trial No.155 of 2025, (State Vs. Rizwan Ahmad @ Bablu and others) arising out of Case Crime No.177 of 2024 under Sections 2(b)(1), 3(1) of U.P.Gangsters Act, Police Station Mehnagar, District Azamgarh pending before learned Special Judge Gangsters Act, Court No.6, District Azamgarh as well as the charge sheet dated 04.04.2025 and also the cognizance order dated 31.05.2025 passed in the aforesaid case, are hereby quashed as against the applicant.

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.

(Dr. Gautam Chowdhary,J.)

October 8, 2026
S.Ali

Digitally signed by :-
SHAUKAT ALI
High Court of Judicature at Allahabad