2026:AHC:208601-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 27749 of 2025

Bharat Kushwaha

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

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

3. Learned AGA representing respondent 1 and 2 is present.

4. Perused the record.

5. Petitioner Bharat Kushwaha has approached this Court by means of present criminal misc writ petition challenging the impugned FIR dated 02.11.2025 lodged by first informant respondent 4 Ashwini Pandey and registered as Case Crime No. 632 of 2025, under Section 2(b) (xi), 3(1) UP Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station - Gida, District - Gorakhpur.

6. Present writ petition came up for admission on 09.12.2025 and this court passed the following interim order.

"1. This writ petition has been filed seeking the quashing of the First Information Report dated 02.11.2025 registered as Case Crime No.632 of 2025, under Sections 2(b)(xi), 3(1) U.P. Gangster and Anti-Social Activities (Prevention) Act 1986, Police Station Gida , District Gorakhpur.

2. Contention of learned counsel for the petitioner is that the petitioner had been implicated falsely under the Gangsters Act only on the basis of a single case in which he has been bailed out. Learned counsel for the petitioner also submits that there was no due discussion before preparing the gang chart and before the lodging of the impugned FIR. It is further submitted that there was no application of mind. Learned counsel for the petitioner, therefore, submits that there was complete violation of Rules 5(3)(a), 16 and 17 of the U.P. Gangster and Anti-Social Activities (Prevention) Rules, 2021.

3. Matter requires consideration.

4. Learned AGA appearing for the respondents may file counter affidavit within a period of three weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

5. List thereafter.

6. Till the next date of listing or till the submission of police report, whichever is earlier, the petitioner shall not be arrested subject to his cooperation in the investigation. In the event, the petitioner does not cooperate in the investigation, the police will be at liberty to move this Court."

7. There is nothing on record to show that the interim order dated 09.12.2025 was extended subsequently. As such no interim order is operating in present writ petition on date.

8. In view of above, in all probability the present writ petition has been rendered infructuous. It is accordingly dismissed as having been rendered infructuous.

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

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