2026:AHC:232086

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 49336 of 2026

Guddu @ Tariq

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mohammad Belal
Counsel for Opposite Party(s)	:	G.A.

Court No. - 73

HON'BLE DR. GAUTAM CHOWDHARY, J.

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

2. This application under Section 528 BNSS has been filed with the prayer for quashing of entire proceeding of S. T. No. 31 of 2021 (State Vs. Mohd. Azam and others), arising out of Case Crime No. 186 of 2019, under Section 2/3 of U.P. Gangster and Anti Social Activities (Prevention) Act, Police Station Shivkuti, District Prayagraj, pending in the court of learned Special Judge, Gangster Act, Allahabad. Further prayer has been made for quashing of charge sheet dated 21.02.2021 as well as cognizance/ summoning order dated 26.05.2021 passed in the aforementioned case.

3. Learned counsel for the applicant submits that two other other co-accused, Azam and another, have also approached this Court by filing Application u/s 528 BNSS No. 22398 of 2026, challenging therein the entire proceeding initiated against them arising out of same crime, which application has been allowed by a coordinate Bench of this Court vide order dated 02.11.2026 while quashing the entire proceeding initiated against the said co-accused persons. Thus, learned counsel submits that the present proceeding initiated against the applicant, who is before this Court, may also be quashed in view of the order dated 02.11.2026 passed in the said appeal.

4. The order dated 02.11.2026 passed in Application u/s 528 BNSS No. 22398 of 2026 (Azam and another Vs. State of U.P. and another), reads as under:

> *"1. Heard learned counsel for applicants and learned AGA appearing on behalf of State.*
>
> *2. The instant application has been preferred with the prayer to*

quash the entire proceeding of S.T. no. 31 of 2021 (State vs. Mohd. Azam & others) under Section 2/3(1) Gangster Act, Police Station- Shivkuti, District Prayagraj including charge sheet dated 21.2.2021 as well as cognizance order dated 26.5.2021 and other process issued against applicants arising out of Case Crime no. 186 of 2019 under Section 2/3(1) Gangster Act, PS- Shivkuti, District Prayagraj.

3. On previous occasion, when the matter was taken up on dated 12.8.2026, below mentioned order has been passed by this Court:

"1. Learned A.G.A. is hereby requested to obtain instructions in respect of minutes of the meeting, since as per the gangchart which has been approved by learned District Magistrate to put his signature on 03.05.2019 and the Senior Superintendent of Police on 23.04.2019.
2. Put up this case as fresh on 31.08.2026. "

4. Today, when the matter has been taken up again, it has been apprised by learned AGA through instructions that no document is available in respect of holding joint meeting by competent authority in shape of forwarding and approving authority.

5. The argument raised by learned counsel for applicants seems to be justified since the said procedure which is mandated on the part of the approving authority as well as forwarding authority in pursuance to Rule 5(3)(a) and 16 of Gangster Rules, 2021, is missing in the instant matter and as such, entire proceedings arising out of approval of the gang chart which culminated into preferring the charge sheet on dated 21.2.2021 thereafter the order passed by learned concerned court by way of taking cognizance of offence vide order on dated 26.5.2021, are hereby quashed and set aside only in respect of applicants herein.

6. The application stands allowed accordingly.

7. However, the above mentioned order will not preclude the concerned authorities for re-initiation of the proceedings against applicants herein, if required, strictly in accordance with law."

5. Learned A.G.A. for the State does not dispute the above submissions made on behalf of applicant. He also admitted that the present proceeding may also be quashed.

6. Once that be so, this Court does not find any occasion for the impugned proceeding to be pursued any further. Consequently, the entire proceeding of S. T. No. 31 of 2021 (State Vs. Mohd. Azam and others), arising out of Case Crime No. 186 of 2019, under Section 2/3 of U.P. Gangster and Anti Social Activities (Prevention) Act, Police Station Shivkuti, District Prayagraj, pending in the court of learned Special Judge, Gangster Act, Allahabad, so far as it relates to the present applicant, is hereby quashed and the present application filed under Section 528 BNSS is, accordingly, **allowed.**

7. However, the above mentioned order will not preclude the concerned authorities for re-initiation of the proceedings against applicant herein, if required, strictly in accordance with law.

(Dr. Gautam Chowdhary,J.)

November 4, 2026
Mustaqeem./Rahul

Digitally signed by :-
MOHD MUSTAQEEM KHAN
High Court of Judicature at Allahabad