2026:AHC:212646-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 5988 of 2025

Murarilal @ Bhola Chaudhery

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pankaj Dwivedi
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE DR. AJAY KUMAR-II, J.

1. Case called out in revised list.

2. Even though the name of Mr. Pankaj Dwivedi is duly published in the cause list as counsel for petitioner but neither he nor any one on his behalf is present to press this writ petition even in revised call.

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

4. Perused the record.

5. Petitioner - Murarilal @ Bhola Chaudhery has approached this Court by means of present Criminal Misc. Writ Petition challenging the impugned F.I.R. dated 03.03.2025 lodged by first informant-respondent-4 Ramesh Chandra Mishra and registered as Case Crime No.262 of 2025 under Section 2/3 U.P. Gangsters and Anti-social Activities (Prevention) Act, 1986, Police Station Kotwali Lalitpur, District Lalitpur.

6. Present writ petition came up for admission on 01.04.2025 and this Court passed the following order:

"*1. Heard learned counsel for the petitioner and Shri G.P. Singh, learned AGA-1 for State respondents.*

2. Present writ petition has been preferred to quash the FIR dated 03.03.2025 being Case Crime No. 262 of 2025, under Section 2/3 of U.P. Gangster and Anti-Social Activities (Prevention) Act, P.S. Kotwali Lalitpur, Distt. Lalitpur in respect of the petitioner and for a direction to respondents not to arrest the petitioner pursuant to impugned FIR.

3. This much is averred that the petitioner has been falsely implicated in the present case and no offence under the aforesaid Section is made out against him. He has good reputation in the society. The petitioner is not a member or leader or organiser of a group which indulges in the kind of activities set out under the various sub-clauses of clause (b) of Section 2, by use of violence or threat or show of violence or intimidation etc. Ref : Ashok Kumar Dixit vs. State of U.P. 1987 (34) ACC 164. It is further averred that the use of word "activities"in a criminal proceeding cannot indicate that a single act of anti-social activity can turn a person into a gangster. There have to be at-least two acts and the commission of those act by the accused has to be established beyond reasonable doubt according rules of evidence as applicable to criminal trial. Ref: State of U.P. vs. Phool Mia 1998 (1) JIC 792 (All). It is averred that as per gang chart, there is only one criminal case registered against the petitioner as Case Crime No. 586 of 2023 under Section 8/20/60(3) N.D.P.S. Act and 420, 467, 468, 471/34 IPC, P.S. Kotwali, Distt. Lalitpur in which he has already been granted bail by learned Single Judge in Criminal Misc. Bail Application No. 38590 of 2023 vide order dated 27.9.2023 and as such the impugned FIR is liable to be quashed.

4. Per contra, learned A.G.A. has vehemently opposed the writ petition and submitted that from bare perusal of the FIR cognizable offence is made out against the petitioner and the authorities had rightly invoked the provisions of Gangster Act. It is also submitted that even on the basis of solitary case proceeding under the Gangster Act can be imposed. Reliance in this regard has been placed on the judgment of Hon'ble Apex Court in the case of Shraddha Gupta vs The State Of Uttar Pradesh decided on 26 April, 2022 in Criminal Appeal No. 569-570 of 2022.

5. The matter requires consideration.

6. The respondents are accorded four weeks time to file counter affidavit. One week, thereafter, is accorded to file rejoinder affidavit. List thereafter.

7. Till the next date of listing or till the submission of police report under Section 193 (3) BNSS, whichever is earlier, the petitioner shall not be arrested pursuant to impugned FIR, provided he cooperates with the investigation in question."

7. Upon perusal of order sheet, we find that the aforementioned interim order

dated 01.04.2025 was subsequently extended on 20.05.2025. However, there is nothing on record to show that the interim order was extended thereafter. As such, no interim order is operating in present writ petition.

8. Considering the fact that the impugned F.I.R. was lodged on 03.03.2025 and a period of more than one year and six months has rolled by from the date of lodging of F.I.R., in all probability, Investigating Officer upon completion of statutory investigation must have submitted the police report/charge sheet. We are, therefore, of the considered opinion that by efflux of time present writ petition has been rendered infructuous.

9. It is accordingly dismissed as having rendered infructuous.

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

October 9, 2026
ss

(Dr. Ajay Kumar-II,J.) (Rajeev Misra,J.)

Digitally signed by :-
SANDEEP SHARMA
High Court of Judicature at Allahabad