**Court No. - 45**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 12872 of 2023

**Petitioner :-** Satyendra Kumar
**Respondent :-** State Of U.P. And 2 Others
**Counsel for Petitioner :-** Sanjeev Kumar Singh
**Counsel for Respondent :-** G.A.

**Hon'ble Vivek Kumar Birla,J.**
**Hon'ble Vinod Diwakar,J.**

1. Heard Shri Sanjeev Kumar Singh, learned counsel for the petitioner and Shri Ratan Singh, learned A.G.A. for the State.

2. The present writ petition has been preferred with the prayer to quash the impugned first information report dated 16.07.2023 registered as Case Crime No. 0610 of 2023 under Section 3(1) of U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station- Gulriha, District- Gorakhpur, and for a direction to the police not to arrest the petitioner in pursuance of the impugned first information report.

3. Learned counsel for the petitioner has submitted that the provisions of Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986, has been imposed on the basis of solitary case. It is further submitted that there is violation of Rules 5(3)(a), 16 of U.P. Gangsters and Anti-Social Activities (Prevention) Rules, 2021. He further tried to show the manner in which the petitioner was falsely implicated in the base F.I.R. and also argued the other factual aspects of the matter that how the petitioner has been falsely implicated. It was also submitted that while preparing the gang chart, provisions of U.P. Gangsters and Anti-Social Activities (Prevention) Rules, 2021, have not been followed. Attention was drawn to Rule 16 (2) of Rules 2021, in support of his arguments.

4. Per contra, learned A.G.A. has opposed the petition and placed reliance upon the judgment rendered by Hon'ble the Apex Court in the case of **Shraddha Gupta Vs. State of U.P. and others (Criminal Appeal Nos.569-570 of 2022, decided on 26.04.2022)** and submits that for a single offence/FIR, an accused person can be prosecuted under the U.P. Gangster and Anti Social Activities (Prevention) Act, 1986. He further points out that in fact apart

from one case mentioned in the Gang Chart, the petitioner has criminal history of four cases as well.

5. Insofar as the violation of U.P. Gangsters and Anti-Social Activities (Prevention) Rules, 2021, are concerned, we find that the entire scheme of U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986, as well as the rules framed thereunder have already been considered by this Court in detail in **Ambuj Parag Dubey And 2 Others Vs. State Of U.P. And 2 Others, 2022 (4) ACR 3878 and in Criminal Misc. Writ Petition No. 2683 of 2023, Virendra Kasaudhan Vs. State Of U.P. And 3 Others,** decided on 19.04.2023.

6. In view of the above, we do not find any illegality in the preparation of gang chart.

7. The writ petition is devoid of merits and is, accordingly, **dismissed.**

**Order Date :-** 20.9.2023
Shafique

Digitally signed by :-
SAFIKUR RAHAMAN
High Court of Judicature at Allahabad