



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 12002 of 2026

Naseem Khan

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anchal Kumar Rao
Counsel for Opposite Party(s)	:	G.A.

Court No. - 76

HON'BLE SANJAY KUMAR PACHORI, J.

1. Sri Anchal Kumar Rao, learned counsel for the applicant and Sri Pushpraj Singh, learned Brief Holder for the State.

2. The present application under Section 528 of Bharatiya Nagarik Suraksha Sanhita has been filed to quash the entire proceedings of Special Case No. 2278 of 2025 (State Versus Taurif Alam and others) arising out of Case Crime No. 241 of 2024, under Section 2(b)(i) (xi) (xvii) (xxv), 3 (1) of U.P. Gangsters and Anti-Social Activities (Prevention) Act, P.S. Ramgarh Taal, District Gorakhpur as well as cognizance/ summoning order dated 19.09.2025 pending in the Court of Special Judge, (Gangsters Act)/Additional and Sessions Judge, Gorakhpur.

3. Learned counsel for the applicant submits that the first information report dated 22.04.2024 has been lodged on the basis of false and frivolous allegation with the ulterior motive only to harass the present applicant. It is further submitted that the Gangsters Act has been invoked on the basis of solitary case namely Case Crime No. 780 of 2023, under Sections 379, 411 of IPC, in which the name of the present applicant surfaced on the basis of confessional statement made before the Police, which is irrelevant. There is no other criminal history of the present applicant. It is further submitted that charge sheet has been submitted against Rule 26 of the U.P. Gangsters Act and Anti-Social Activities (Prevention) Rules, 2021.

4. Prima facie, matter requires consideration.

5. Learned A.G.A. has accepted notice on behalf of the State-respondent nos. 1 and 2, who may file counter affidavit within three weeks.
6. Rejoinder affidavit may thereafter be filed within one week.
7. List this case after eight weeks.
8. Until further orders, further proceedings of aforesaid case **shall remain stayed** against the applicant.

(Sanjay Kumar Pachori,J.)

April 29, 2026

Neetu