



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 25644 of 2025

Rachit Pathak

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 2 Others

.....Respondent(s)

Counsel for Petitioner(s) : Padmaker Pandey
Counsel for Respondent(s) : G.A.

Court No. - 47

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

1. Heard Mr. V.P. Srivastava, the learned Senior Counsel assisted by Mr. Padmaker Pandey, the learned counsel for petitioner and the learned A.G.A. for State opposite parties 1 & 2.

2. Perused the record.

3. This writ petition has been filed challenging the FIR dated 26.10.2025 lodged by first informant-respondent 3-Keshav Kumar Tiwari registered as Case Crime No. 0231 of 2025, under Section 3(1) of the Uttar Pradesh Gangsters and Anti Social Activities (Prevention) Act, 1986 P.S.- Nawabganj, District- Central (Commissionerate Kanpur Nagar).

4. Mr. V.P. Srivastava, the learned Senior Counsel submits that other co-accused has already approached this Court by filing different writ petitions, wherein interim measures has already been passed by this Court. The details of the same are as under:-

i) Criminal Misc. Writ Petition No. 25299 of 2025 (Vimla Devi Vs. State of U.P. and 2 others)

"1. This writ petition has been filed for quashing of the First Information Report dated 26.10.2025 giving rise to Case Crime No.231 of 2025 under sections 3(1) of U.P. Gangster and Anti Social Activities (Prevention) Act, 1986 Police Station Nawabganj, District Central (Commissionerate Kanpur Nagar). The petitioner has also prayed that she be not arrested in pursuance of the impugned FIR.

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

she 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."

ii) Criminal Misc. Writ Petition No. 25310 of 2025 (Upendra Singh Bhadauria and another Vs. State of U.P. and 2 others)

"1. Heard learned counsel for the petitioners and learned A.G.A. for the State-respondents.

2. This writ petition has been filed for quashing of the first information report dated 26.10.2025 giving rise to Case Crime No. 0231 of 2025, under Section 3(1) of U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986, Police Station - Nawabganj, District - Central (Commissionerate Kanpur Nagar).

3. Contention of the learned counsel for the petitioners is that before the first information report was lodged there was no joint meeting as is conceived under Rule 5(3)(a) of U.P. Gangster and Anti-Social Activities (Prevention) Rules, 2021 and also there is no independent application of mind by the officials under Rules 16 and 17 of U.P. Gangster and Anti-Social (Prevention) Rules, 2021.

4. Matter requires consideration.

5. Respondents are represented by learned A.G.A.

6. Respondents may file counter affidavit within a period of three weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

7. Till the next date of listing or till the submission of police report, whichever is earlier, the petitioners shall not be arrested. The petitioners will cooperate with the investigation. In the event they fail to do so, the police shall be at liberty to approach

this Court by means of an application."

iii) Criminal Misc. Writ Petition No. 26069 of 2025 (Shrot Gupta Vs. State of U.P. and 2 others)

"1. Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents.

2. This writ petition has been filed for quashing of the first information report dated 26.10.2025 giving rise to Case Crime No. 0231 of 2025, under Section 3(1) of U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986, Police Station - Nawabganj, District - Central (Commissionerate Kanpur Nagar).

3. Contention of the learned counsel for the petitioner is that before the first information report was lodged there was no joint meeting as is conceived under Rule 5(3)(a) of U.P. Gangster and Anti-Social Activities (Prevention) Rules, 2021 and also there is no independent application of mind by the officials under Rules 16 and 17 of U.P. Gangster and Anti-Social (Prevention) Rules, 2021.

4. Matter requires consideration.

5. Respondents are represented by learned A.G.A.

6. Respondents may file counter affidavit within a period of three weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

7. Till the next date of listing or till the submission of police report, whichever is earlier, the petitioner shall not be arrested. The petitioners will cooperate with the investigation. In the event they fail to do so, the police shall be at liberty to approach this Court by means of an application."

iv) Criminal Misc. Writ Petition No. 26143 of 2025 (Dhamendra Singh Yadav @ Dharmu Yadav Vs. State of U.P. and 2 others).

"1. Heard Sri V.P. Srivastava, Senior Counsel, assisted by Sri Padmaker Pandey, learned counsel for the petitioner and learned AGA for the State.

2. This writ petition has been filed for quashing of the First Information Report dated 26.10.2025 giving rise to Case Crime No.0231 of 2025 under sections 3(1) of U.P. Gangster and Anti Social Activities (Prevention) Act, 1986 Police Station Nawabganj, District Central (Commissionerate Kanpur Nagar). The petitioner has also prayed that he be not arrested in pursuance of the impugned FIR.

3. 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 when the impugned FIR was

lodged. 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.

4. Matter requires consideration.

5. 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.

6. List thereafter.

7. Till the next date of listing or till the submission of police report, whichever is earlier, the petitioner shall not be arrested."

On the above premise, the learned Senior Counsel for petitioner submits that in view of the law laid down by Apex Court in the case of ***Vishnu Traders Vs. State of Haryana, 1995 Supp (1) SCC 461***, similar protection be also granted in favour of petitioner. There is no such distinguishing feature in the case of present petitioner on the basis of which the case of present petitioner can be so distinguish so as to deny him the protection already extended by this Court in favour of co-accused. He further adopt the submission urged by him in respect of other accused also.

5. Per contra, the learned A.G.A. representing respondents 1 & 2 has opposed the present writ petition. However, the learned A.G.A. could not dislodge the factual and legal submission urged by the learned Senior Counsel for petitioner as well as the reasons recorded in the interim order passed by this Court referred in above.

6. Having heard the learned Senior counsel for petitioner, the learned A.G.A. for State respondents 1 & 2 and upon perusal of record, this Court finds that matter requires consideration.

7. Notice on behalf of State-opposite parties 1 & 2 has been accepted by the learned AGA.

8. Issue notice to opposite party 3.

9. All the opposite parties may file their respective counter affidavits to the writ petition within four weeks.

10. Petitioner will have two weeks thereafter to file his respective rejoinder affidavits.

11. Connect above-mentioned writ petitions along with present writ petition.

12. List this writ petition **for admission on 13.01.2026 along with connected writ petitions.**

13. Considering the facts and circumstances of the case, as noted herein-above as an interim measure, it is, hereby, provided that petitioner shall not be arrested in Case Crime No. 0231 of 2025, under Section 3(1) of the Uttar Pradesh Gangsters and Anti Social Activities (Prevention) Act, 1986 P.S.- Nawabganj, District- Central (Commissionerate Kanpur Nagar), till the submission of the charge sheet/police report as contemplated under Section 193 B.N.S.

14. When the matter is listed next, the details of all the connected writ petitions shall be duly published in the cause list.

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

November 18, 2025

Sharad/-