



2026:AHC:165577

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 19023 of 2026

Atul Tyagi

.....Petitioner(s)

Versus

State Of Up And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohammad Arshad Khan
Counsel for Respondent(s)	:	G.A.

Court No. - 73

HON'BLE SANDEEP JAIN, J.

1. The instant writ petition under Article 226 of the Constitution of India has been filed seeking the following reliefs:

" (a) Issue a writ, order or direction in the nature of certiorari quashing the order dated 23.03.2026 passed by respondent no.3 in Case No. 500 of 2025 (State Vs. Atul Tyagi) under Section 3/4 U.P. Control of Goondas Act, 1970 and quashing the order dated 05.05.2026 passed by respondent no.2 in Appeal No. 893 of 2026 (Atul Tyagi Vs. State) under Section 6 U.P. Control of Goodas Act, 1970."

Learned counsel for the petitioner submitted that proceedings under Sections 3/4 of the U.P. Control of Goondas Act, 1970, were initiated against the petitioner on the basis of 21 false criminal cases. Pursuant thereto, by order dated 23.03.2026 passed by the District Magistrate, Hapur, the petitioner was externed from the limits of District Hapur for a period of six months. Aggrieved by the said order, the petitioner preferred Appeal No. 893 of 2026 (Atul Tyagi vs. State) under Section 6 of the Act, 1970. However, the appeal was dismissed by the Commissioner, Meerut Division, Meerut, vide order dated 05.05.2026 on the ground that it had been filed beyond the prescribed period of limitation and that no sufficient cause had been shown by the petitioner for condonation of delay.

Learned counsel for the petitioner submitted that the order passed by the appellate authority is erroneous inasmuch as the petitioner had shown sufficient cause for filing the appeal belatedly. He further submitted that all the criminal cases have been falsely instituted against the petitioner and that none of them has culminated in his conviction. Therefore, the mere pendency of criminal cases cannot form the basis for branding the petitioner as a "Goonda", which seriously tarnishes his reputation. It was further submitted that the orders passed by the District Magistrate, Hapur, as well as the Commissioner, Meerut Division, Meerut, are arbitrary, illegal, and unsustainable in law. Hence, the writ petition deserves to be

allowed.

Per contra, learned AGA submitted that the petitioner has a long criminal history, which clearly establishes that he is a habitual offender and poses a threat to society. He further submitted that several serious criminal cases under Sections 307, 377, 384, and 308 of the IPC have been registered against the petitioner, which sufficiently demonstrate his criminal propensity. He contended that it is not mandatory, for declaring a person to be a "Goonda" under the Act, that the criminal cases registered against him must have resulted in conviction. Even if the accused has been acquitted in a criminal case, the same may still be taken into consideration while determining whether he falls within the definition of a "Goonda" under the Act. He therefore submitted that, in the facts and circumstances of the present case, no ground is made out for interference with the impugned orders in exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

I have heard learned counsel for the parties and perused the material brought on record.

Section 2(b) of the U.P. Control of Goondas Act, 1970 defines the term "Goonda" as under:

"(b) "Goonda" means a person who

(i) either by himself or as a member or leader of a gang, habitually commits, or attempts to commit, or abets the commission of an offence punishable under Section 153 or Section 153-B or Section 294 of the Indian Penal Code or Chapter XV, Chapter XVI, Chapter XVII or Chapter XXII of the said Code ; or

(ii) has been convicted for an offence punishable under the Suppression of Immoral Traffic in Women and Girls Act, 1956 ; or

(iii) has been convicted not less than thrice for an offence punishable under the U. P. Excise Act, 1910 or the Public Gambling Act, 1867 or section 25, section 27 or section 29 of the Arms Act, 1959 ; or

(iv) is generally reputed to be a person who is desperate and dangerous to the community ; or

(v) has been habitually passing indecent remarks or teasing women or girls ; or

(vi) is a tout

(vii) is a house-grabber.

(viii) is involved in offences punishable under the Regulation of Money Lending Act, 1976 ;

(ix) is involved in offences punishable under the Unlawful Activities (Prevention) Act, 1966 and the Indian Forest Act, 1927 ;

(x) is involved in illegally transporting and/or smuggling of cattle and indulging in acts in contravention of the provisions in the Prevention of Cow Slaughter Act, 1955 and the Prevention of Cruelty to Animals Act, 1960 ;

(xi) is involved in human trafficking for purposes of commercial exploitation, forced labour, bonded labour, child labour, sexual exploitation, organ removing and trafficking, beggary and the like activities."

From the record, it is apparent that the petitioner has a criminal history involving 21 cases, the details of which are as follows:

- 1. Case Crime No.138/24 under Section 341,323,506 IPC, P.S. Kotwali, District Hapur.*
- 2. Case Crime No.643/24 under Section 190, 191(2), 191(3), 115(2), 352, 351(2), 109, 126(2) BNS and Section 3 Criminal Amendment Act, 1932, P.S. Kotwali, District Hapur.*
- 3. Case Crime No.803/24 under Section 352,351(2) BNS, P.S. Kotwali, District Hapur.*
- 4. Case Crime No.837/23 under Section 506 IPC, P.S. Kotwali, District Hapur.*
- 5. Case Crime No.963/22 under Section 323,504,506 IPC, P.S. Kotwali, District Hapur.*
- 6. Case Crime No.229/23 under Section 308,323,324,504,506,120-B IPC, P.S. Hapur Dehat, District Hapur.*
- 7. Case Crime No.388/24 under Section 115(2),351(2),352 IPC, P.S. Hapur Dehat, District Hapur.*
- 8. Case Crime No.415/22 under Section 323,504,506 IPC, P.S. Kotwali, District Hapur.*
- 9. Case Crime No.960/21 under Section 452,323,384,504,506 IPC, P.S. Kotwali, District Hapur.*
- 10. Case Crime No.1018/21 under Section 504,506,427 IPC, P.S. Kotwali, District Hapur.*
- 11. Case Crime No.40/20 under Section 323,504,506,427 IPC, P.S. Kotwali, District Hapur.*
- 12. Case Crime No.68/20 under Section 147,148,149,323,307 IPC, P.S. Hapur Dehat, District Hapur.*
- 13. NCR No.377/18 under Section 323,504 IPC, P.S. Kotwali, District Hapur.*

14. *NCR No.573/18 under Section 323,504 IPC, P.S. Kotwali, District Hapur.*
15. *NCR No.575/18 under Section 323,504,506 IPC, P.S. Kotwali, District Hapur.*
16. *Case Crime No.941/16 under Section 384,307,504 IPC, P.S. Kotwali, District Hapur.*
17. *Case Crime No.452/15 under Section 452,323,504,506 IPC, P.S. Kotwali, District Hapur.*
18. *Case Crime No.980/15 under Section 323,377,504 IPC and 3/4 POCSO Act, P.S. Kotwali, District Hapur.*
19. *Case Crime No.502/14 under Section 307 IPC, P.S. Kotwali, District Hapur.*
20. *Case Crime No. 679/14 under Section 25 Arms Act, P.S. Kotwali, District Hapur.*
21. *Case Crime No.278/16 under Section 25 Arms Act, P.S. Kotwali, District Hapur.*

It is apparent from the record that 21 criminal cases, instituted between the years 2014 and 2024, were taken into consideration by the District Magistrate, Hapur, while initiating proceedings under the Act of 1970. The record further discloses that the petitioner has an extensive criminal history. A perusal of the said criminal history reveals that the criminal cases registered against him span a period of nearly ten years, commencing from 2014 till 2024, and several of them relate to serious offences punishable under Sections 377, 384, 307, and 308 of the IPC.

It further appears that the petitioner has allegedly been consistently indulging in criminal activities over the last ten years. Thus, a prima facie inference can be drawn that he is a habitual offender who has been repeatedly involved in the commission of offences.

A plain reading of the provisions of the Act of 1970 makes it clear that except conviction in Suppression of Immoral Traffic in Women and Girls Act, 1956; UP Excise Act, 1910; Public Gambling Act, 1867 and Section 25, 27 or 29 of the Arms Act, 1959; conviction in other offences is not a mandatory pre-condition for declaring a person to be a "Goonda" under the Act. Mere involvement in a criminal case is sufficient for branding a person "Goonda", if he is a habitual offender and a threat to the society. Consequently, the submission advanced by learned counsel for the petitioner that, since none of the criminal cases has resulted in his conviction, they cannot be relied upon for declaring him a "Goonda", cannot be accepted.

It is further apparent that the order passed by the District Magistrate, Hapur, duly records that, in view of the petitioner's criminal history, he has been frequently indulging in heinous criminal offences and has

created an atmosphere of terror in society. The order further records that the petitioner is a habitual offender, on account of which members of the public are reluctant to come forward and depose against him.

In view of the aforesaid facts and circumstances, the petitioner has been declared a "Goonda" under the provisions of the U.P. Control of Goondas Act, 1970. The said finding cannot be said to be perverse or arbitrary in any manner whatsoever.

It is further apparent that, since the petitioner failed to disclose sufficient cause for filing the appeal beyond the prescribed period of limitation, the Commissioner, Meerut Division, Meerut, rightly dismissed the appeal. The said order also warrants no interference by this Court.

In view of the above discussion, this Court finds that respondent Nos. 2 and 3 have committed no illegality either in dismissing the petitioner's appeal preferred under the Act of 1970 or in declaring the petitioner to be a "Goonda" and directing his externment from the limits of District Hapur for a period of six months under the provisions of the Act of 1970.

No ground is made out for interference with the impugned orders dated 05.05.2026 and 23.03.2026 passed by respondent Nos. 2 and 3 in exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Accordingly, the writ petition, being devoid of merit, is ***dismissed***.

(Sandeep Jain,J.)

August 7, 2026

Jitendra