



2026:AHC:172090

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 39228 of 2025

Parul

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Sachin Kanaujiya, Shivam Kanojiya
Counsel for Opposite Party(s) : G.A.

Court No. - 75

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant and Sri Chandan Singh, learned A.G.A. for the State.

2. The instant application has been preferred with the prayer to quash the entire proceedings of Sessions Trial No. 4603 of 2024 (State Vs. Hussnain and others) arising out of Case Crime No. 283 of 2023 under Sections 3 (1) of U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986, Police Station Kotwali Farrukhabad, District Farrukhabad pending before learned Special Judge Gangsters Act/Additional Sessions Judge Court No. 5, District Farrukhabad, as well as to quash the charge sheet dated 08.06.2024 and also to quash the cognizance/summoning order dated 12.12.2024 passed in the aforesaid case.

3. Learned counsel for the applicant has submitted that the precise grounds for challenging the entire proceedings is that the learned trial Court while taking cognizance failed to take into consideration that there is no compliance of Rule 5 of Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Rules, 2021 (hereinafter to be referred to as "the Rules"). He further submits that the Rule 5 specifically provides that the gang chart will not be approved summarily but after due discussion in a joint meeting of the Commissioner of Police/District Magistrate/Senior Superintendent of Police/Superintendent of Police, which has already been prepared by concerned In-charge of Police Station/Station House Officer/Inspector, who were present before Additional Superintendent of Police and after seeking his due recommendation the same has to be presented before the District Head of Police and thereafter the same has to

be approved in joint meeting with the authorities who are mentioned under Rule 5 who recommended the same and only then at the time of approval, the same has to be jointly finally approved. The approval which is appended along with application is available at page no.40, wherein the different dates have been mentioned by the different authorities. Learned counsel further argued that although the gang chart prepared by concerned Officer was duly recommended but at the time of approving the gang chart there must be a joint meeting in accordance with Rule 5(3)(a) however, the same has not been complied with in the instant case therefore the entire proceedings are liable to be quashed by this Court.

4. Per contra, learned AGA vehemently opposed the prayer as made in the application and rebutted the submissions advanced by learned counsel for the applicant and has placed reliance upon Rule 16(2) of Rules of 2021, wherein there is hardly any mention of joint meeting which shall be conducted at the time of approving gang chart by concerned Commissioner of Police/District Magistrate. Learned AGA further submitted that specific wording as described under Rule 16(2) of Rules of 2021, reads as under:-

"I have duly perused the gang-chart and attached forms and I am fully satisfied that all the particulars mentioned in the case are correct and there is a satisfactory basis for taking action under the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986. Accordingly, approved."

5. It is thus contended by learned A.G.A. that the above mentioned proforma as described under Rule 16(2) of Rules of 2021 itself denotes that there is hardly any necessity for holding joint meeting of the forwarding authority and the approving authority of the gang chart.

6. After hearing rival submissions extended by learned counsel for the parties, this Court finds that the rules are crystal clear at the initial stage which is mentioned under Rule 5(3)(a) of the Rules of 2021 for holding joint meeting of the authorities concerned which includes the presenting officer, forwarding officer and thereafter the discussion shall be made with the approving authority. The rules mentioned below to Rule 5 of the Rules of 2021 although clarified the wording and the orders which ought to be passed by the approving authority but the missing of joint

meeting/discussion is not necessarily to be reproduced time and again since the legislature and law makers are conscious not to repeat the procedure in each and every rules/sections in the concerned Act/Rules since the study of the sections available in the rules framed under the Act has to be read in a procedural manner where it is written in subsequent order and as such the provision contained under the Rule 5(3)(a) of Rules of 2021 has to be given preference while reading other rules which are mentioned below to Rule 5 of the Rules of 2021 and as such the specific provision for holding joint meeting is mandatory on the part of all the officers who are involved in forwarding the gang chart and finally it is incumbent upon the approving authority to hold meeting under Section 5(3)(a) of the Rules of 2021. The said procedure which is mandated on the part of the approving authority is missing in the instant matter and as such entire proceedings arising out of approval of the gang chart which culminated into submission of the charge sheet dated 10.11.2023, thereafter the summoning order dated 20.01.2024 passed by learned trial Court is hereby quashed and set aside.

7. This order will not preclude re-initiation of the proceedings as mentioned in Rule 5(3)(a) of the Rules of 2021 by the authority concerned, if required further.

8. The application stands allowed accordingly.

(Dr. Gautam Chowdhary,J.)

August 12, 2026

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