



2026:AHC:58165

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 2965 of 2026

Wajid Ali And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Syed Faiz Hasnain
Counsel for Opposite Party(s)	:	G.A.

Court No. - 80

HON'BLE CHAWAN PRAKASH, J.

1. Heard Sri Syed Riyaz Askari, Advocate holding brief of Sri Syed Faiz Hasnain, learned counsel for the applicants and learned A.G.A. for the State.
2. Present application under Section 528 B.N.S.S. has been preferred for quashing the charge-sheet No. 270 of 2023 dated 21.11.2023 as well as entire proceedings of S.S.T No. 434 of 2024, (State Vs. Hafiz Ahmed and others), arising out of Case Crime No. 09 of 2023, under Section 3(1) U.P. Gangsters and Anti Social Activities (Prevention) Act, Police Station Mundha Pande, District Moradabad, pending in the Court of Additional District Judge, Court No.5, Moradabad.
3. Pursuant to earlier order dated 04.02.2026, learned A.G.A. was directed to obtain instructions and he has received the same. On the basis of instructions, learned A.G.A. states that the applicant has been acquitted in base case.
4. Learned Counsel for the applicant submits that the proceeding under the Gangster Act was initiated against the applicant on the basis of solitary following case:-

"(i) Case Crime No. 272 of 2022, under Sections 3/5/8 Cow Slaughter Act, Police Station Mundha Pande, District Moradabad, acquitted by judgment and order dated 22.07.2024 passed by the learned Additional Session Judge, Court No. 3, Moradabad."

5. It is further submitted that the applicants have been acquitted vide judgment and order dated 22.07.2024 passed by the learned Additional Session Judge, Court No. 3, Moradabad, copy of which has been appended as Annexure 3 to this application.

6. Learned Counsel for the applicants further submits that no cause of action survive now before the prosecution to initiate proceedings under Section 3(1) of U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, against the applicants since they have been acquitted in base case. It is further submitted that once in the base case, the applicants have been acquitted, the instant proceedings under the Gangster Act cannot be drawn.

7. In support of his submission, learned Counsel for the applicants has placed reliance on the judgment passed by the **Farhana vs. State of Uttar Pradesh and others [2024 0 INSC 118]**, and stated that once the applicant has been acquitted in the base cases or the proceedings have been quashed, the proceedings under the Gangster Act cannot go on, therefore, the entire proceeding is unsustainable and liable to be quashed by this Court.

8. Per contra, learned A.G.A. opposed the prayer made by the applicants and submitted that the proceedings of Gangster Act cannot be quashed on account of quashing or acquittal or dismissal of the base cases. The impugned chargesheet under the Gangster Act cannot be quashed.

9. In support of his submission, learned A.G.A. relied upon the judgment passed by a co-ordinate Bench of this Court in **Paras Chaudhary Vs. State of U.P. and another [Appl. U/S 482 No. 11117 of 2024, decided on 03.05.2024]**.

10. After having rival contentions submitted by the learned Counsel for the parties, it is crystal clear that the proceedings of the base cases are no more pending against the applicants and once the proceedings of the base cases depicted in the gang chart are quashed or the applicants have been acquitted, the proceedings under the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, are liable to be quashed.

11. In a recent judgment of **Farhana (Supra)**, decided on 19.02.2024, the Hon'ble Apex Court quashed the proceedings of U.P. Gangsters Act on the

ground that base cases shown against the applicant has been quashed by the High Court. The relevant paragraphs of Farhana (Supra) is reproduced hereunder.

"12. From a bare perusal of Section 2(b)(i) of the Gangsters Act, it would become apparent that the person alleged to be the member of the gang should be found indulging in anti-social activities which would be covered under the offences punishable under Chapters XVI, or XVII or XXII IPC. There is no dispute that the case set up by the prosecution against the appellants insofar as the offences under the Gangsters Act are concerned, is limited to Section 2(b)(i) reproduced supra and none of the other clauses of the provision have been pressed into service for the proposed prosecution.

13. Needless to say that for framing a charge for the offence under the Gangsters Act and for continuing the prosecution of the accused under the above provisions, the prosecution would be required to clearly state that the appellants are being prosecuted for any one or more offences covered by anti-social activities as defined under Section 2(b).

14. There being no dispute that in the proceedings of the sole FIR registered against the appellants for the offences under Chapter XVII IPC being Crime Case No. 173 of 2019, the appellants stand exonerated with the quashing of the said FIR by the High Court of Judicature at Allahabad by exercising the powers under Section 482 of Code of Criminal Procedure, 1973, vide order dated 3rd March, 2023 passed in Application No. 7228 of 2023.

15. Hence, the very foundation for continuing the prosecution of the appellants under the provisions of the Gangsters Act stands struck off and as a consequence, the continued prosecution of the appellants for the said offence is unjustified and tantamounts to abuse of the process of Court.

16. As a consequence of the discussion made herein above, the impugned orders dated 14th November, 2022 and 6th December, 2022 passed by the High Court of Judicature at Allahabad are quashed and set aside".

12. In wake of the preceding discussion, since the proceedings of the base care are no more pending against the applicants, therefore, charge-sheet No. 270 of 2023 dated 21.11.2023 as well as entire proceeding of S.S.T No. 434

of 2024, (State Vs. Hafiz Ahmed and others), arising out of Case Crime No. 09 of 2023, under Section 3(1) U.P. Gangsters and Anti Social Activities (Prevention) Act, Police Station Mundha Pande, District Moradabad, pending in the Court of Additional District Judge, Court No.5, Moradabad, are hereby quashed only in pursuance of applicants herein.

13. The present application is, accordingly, **allowed**.

(Chawan Prakash,J.)

March 20, 2026

Rmk.