



2026:AHC:56336-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 2986 of 2026

Deepak Kumar @ Deepak Kumar Valmiki

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Manoj Kumar Dhuriya
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Manoj Kumar Dhuriya, the learned counsel for petitioner and the learned A.G.A representing State/respondents 1 to 3.

2. Perused the record.

3. Petitioner- Deepak Kumar @ Deepak Kumar Valmiki has approached this Court by means of present Criminal Misc. Writ Petition challenging the first information report dated 03.01.2026 lodged by first informant/respondent-4, Bablu Singh Verma and registered as Case Crime No. 0005 of 2026, under Section 2/3 of U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986, Police Station- Kotwali Nagar, District- Muzaffar Nagar.

4. Learned counsel for petitioner in challenge to the impugned F.I.R. submits that since the decision taken by the State/respondents to launch criminal prosecution against petitioner under Section 2/3 of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986 is itself illegal, unjust and arbitrary, therefore criminal prosecution of petitioner pursuant to the impugned F.I.R. also cannot be sustained. As such the impugned FIR is liable to be quashed by this Court.

5. Elaborating his aforesaid submission, the learned counsel for petitioner invited the attention of Court to the document occurring at page 46 of the paper book. With reference to the aforesaid document, it is contended by the learned counsel for the petitioner that though there was a joint meeting

of minds but no reason sustainable in law has been recorded therein on the basis of which, it was conclusively concluded by the State-respondents that criminal prosecution of the petitioner under Section 2/3 of U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986 is warranted in the facts and circumstances of the case. It is therefore, submitted by learned counsel for petitioner that in the absence of any reason recorded by the State-respondents for initiating criminal prosecution against petitioner under the Act of 1986, the consequential FIR cannot be sustained.

6. To buttress his submission, the learned counsel for petitioner has relied upon a Division Bench judgement of this Court in the case of **Kamalveer Singh Vs. State of U.P. and others, 2025 SCC OnLine All 3141** wherein the Division Bench has categorically observed that a clear and categorical reason has to be recorded for initiating criminal prosecution against an accused under the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986.

7. On the above premise, the learned counsel for petitioner thus, submits that the impugned FIR cannot be sustained in law and fact and is therefore liable to be quashed by this Court.

8. Per contra, the learned A.G.A. representing State/respondents 1, 2 and 3 has vehemently opposed the present writ petition. However, the learned A.G.A. could not dislodge the factual and legal submissions urged by the learned counsel for petitioner in support of present writ petition as noted herein above with reference to the record at this stage.

9. Having heard the learned counsel for petitioner, the learned A.G.A. representing State/respondents 1, 2 and 3 and upon perusal of record we find that matter requires consideration.

10. Notice on behalf of State/respondents 1, 2 and 3 has been accepted by the learned A.G.A.

11. Issue notice to first informant/respondent 4.

12. Steps for service upon first informant/respondent 4 shall be taken by

the learned counsel for petitioner within the time period prescribed under the Rules of Court.

13. All the respondents may file their respective counter affidavits within six weeks.

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

15. List this writ petition for admission before appropriate Bench on 13.05.2026.

16. Considering the facts and circumstances of the case and also the submissions urged by the learned counsel for petitioner in support of present writ petition as noted herein above, as an interim measure, it is hereby provided that until further orders of this Court petitioner shall not be arrested in Case Crime No. 0005 of 2026, under Section 2/3 of U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986, Police Station- Kotwali Nagar, District- Muzaffar Nagar.

17. Matter shall not be treated as tied up or part heard to this Bench.

18. Assignment, if any, stands discharged.

(Lakshmi Kant Shukla,J.) (Rajeev Misra,J.)

March 18, 2026

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