



2026:AHC:154679-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 2821 of 2026

(Along with Criminal Misc. Writ Petition Nos. 28311 of 2025, 29559 of 2025 and 677 of 2026)

Devendra Pratap Singh
alias Rahul Farji

.....Petitioner(s)

Versus

State of U.P. and others

.....Respondent(s)

Counsel for Petitioners(s)	: Mr. Umar Zamin along with Mr. Manoj Kumar Singh, Advocates
Counsel for Respondent(s)	: Mr. Shashi Shekhar Tiwari, Additional Government Advocate on behalf of the State

RESERVED

Court No. - 2

**HON'BLE J.J. MUNIR, J.
HON'BLE TARUN SAXENA, J.**

(DELIVERED BY : J.J. MUNIR, J.)

This writ petition and the connected writ petitions shall be decided by this common judgment. All the writ petitions are directed against the

challenge here and in the connected matters, has given rise to Crime No. 186 of 2025 under Section 2/3(1) of the UP Gangsters Act, Police Station Shivkuti, District Prayagraj. This writ petition shall be treated as the leading case.

2. Heard Mr. Umar Zamin along with Mr. Manoj Kumar Singh, learned Counsel for the petitioners in the leading case and connected Criminal Misc. Writ Petitions Nos. 29559 of 2025 and 677 of 2026; and Mr. Sanjay Pathak, learned Counsel for the petitioner in connected Criminal Misc. Writ Petition No. 28311 of 2025. Mr. Shashi Shekhar Tiwari, learned Additional Government Advocate, has been heard on behalf of the State in the leading case, Mr. Kamlesh Kumar Nishad, learned State Law Officer, in Criminal Misc. Writ Petition No. 29559 of 2025, Mr. Deepakh Kapoor, learned Additional Government Advocate, in Criminal Misc. Writ Petition No. 677 of 2026, and Mr. Virendra Kumar Shukla, learned State Law Officer, in Criminal Misc. Writ Petition No. 28311 of 2025, all on behalf of the State.

3. The short point, that has been argued by learned Counsel for the petitioner, is that the gang chart dated 18.11.2025, on the foot of which the impugned FIR has been registered, *ex facie* shows that there was no

Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Rules, 2021³. Rule 5 of the UP Gangsters Rules reads :

Rule – 5. General Rules.

(1) To initiate proceedings under this Act, the concerned Incharge of Police Station/Station House Officer/Inspector shall prepare a gang-chart mentioning the details of criminal activities of the gang.

(2) The gang-chart will be presented to the district head of police after clear recommendation of the Additional Superintendent of Police mentioning the detailed activities in relation to all the persons of the said gang.

(3) The following provisions shall be complied with in respect of gang-charts

(a) 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.

(b) There may be no gang of one person but there may be a gang of known and other unknown persons and in that form the gang-chart may be approved as per these rules.

(c) The gang-chart shall not mention those cases in which acquittal has been granted by the Special Court or in which the final report has been filed after the investigation. However, the gang-chart shall not be approved without the completion of investigation of the base case.

(d) Those cases shall not be mentioned in the gang-chart, on the basis of which action has already been taken once under this Act.

(e) A separate list of criminal history, as given in Form No.4, shall be attached with the gang-chart detailing all the criminal activities of that gang and mentioning all the criminal cases, even if acquittal has been granted in those cases or even where final report has been submitted in the absence of evidence.

Along with the above, a certified copy of the gang register kept at the police station shall also be attached with the gang-chart. In addition to the above, the information of crime and gang members

Police, and powers of the Executive Magistrate of the district in the District Magistrate, a joint meeting has to be held between the District Magistrate and the Senior Superintendent of Police or the Superintendent of Police, as the case may be. In cities governed by the Commissionerate system, the Commissioner of Police exercises the powers of approval, otherwise vested in the District Magistrate, and the proposal has to come from the Deputy Commissioner of Police, who is in the position of the Superintendent of Police. This is so because in each Commissionerate, there are one or more police districts. Every police district is headed by a police officer of the rank of the Deputy Commissioner of Police, who would, for all purposes of the law, in relation to his police district, be the head thereof. He would, therefore, be in the position of a Senior Superintendent of Police or a Superintendent of Police, as the case may be. The final powers of approval being vested in the Commissioner of Police, the consultation has to be held in a joint meeting by virtue of Rule 5(3)(a) of the UP Gangsters Rules, between the Commissioner of Police and the Deputy Commissioner of Police representing the police district concerned.

5. Upon a perusal of the gang chart here, what we find is that both the

meeting. Apparently, there was no discussion in a joint meeting between the Commissioner of Police and the Deputy Commissioner of Police, which makes the approval of the gang chart fall foul of the mandatory requirements of Rule 5(3)(a) of the UP Gangsters Rules.

6. We may note that there is, between the Deputy Commissioner of Police's proposal and the Commissioner of Police's acceptance, also a recommendation made by the Additional Commissioner of Police, Commissionerate Prayagraj. Apparently, the Additional Commissioner of Police is not the head of a district. Even if he is, a perusal of the endorsement on the gang chart shows that right from the Assistant Commissioner of Police, who is the first officer of the police sponsoring the registration of a case under the UP Gangsters Act, the Deputy Commissioner of Police, the Additional Commissioner of Police and the acceptance of the proposal by the Commissioner of Police, there is no mention of any of the officers, sponsoring and accepting, sitting together in a joint meeting, to take a decision, which is the spirit of Rule 5(3)(a) of the UP Gangsters Rules.

7. There is no violation of Rule 11(2) of the UP Gangsters Rules, inasmuch as the gang chart clearly shows in the eight column, status of all

the petitioner in the present writ petition, shown in the eight column as one in jail, is incorrect. The gang chart is dated 18.11.2025, whereas, in Case Crime No. 182 of 2024, under Sections 103(1), 190, 191(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023⁴, Police Station Shivkuti, District Nagar (Commissionerate Prayagraj), the petitioner has been admitted to bail by an order of this Court dated 25.09.2025. A copy of the order dated 25.09.2025 passed by this Court in Case Crime No. 182 of 2024 (*supra*), is on record, which we have perused. We are, therefore, of opinion that the information in the gang chart about the petitioner being in jail in connection with the said crime is incorrect and false, vitiating the satisfaction of the authority who has approved the gang chart.

8. Even otherwise, so far as petitioner Devendra Pratap Singh is concerned, he is *challaned* under the UP Gangsters Act on the basis of a solitary base case, where he is on bail, which may not, by itself, show him to be a member of a gang within the meaning of Section 2(b) of the UP Gangsters Act. Though the date of the charge sheet in Case Crime No. 182 of 2024 (*supra*) is mentioned in the relevant column, the fact that the sponsoring authority of the Police, particularly the Deputy Commissioner of Police, is in-charge of the district and also the Additional

proceedings or approved the gang chart, shows that it has been done without application of mind to the documents and records annexed. Non application of mind would clearly render the gang chart fall foul of Rule 16(3) of the UP Gangsters Rules.

9. A man on bail, granted by this Court, has been regarded as one in jail, while approving the gang chart, betrays utter lack of application of mind. There is thus a clear violation of Rules 5(3)(a), 8(2), and 16(1), (2), and (3) of the UP Gangsters Rules, rendering the detention bad, in the case of the leading writ petition. A violation of Rule 5(3)(a) across all the connected matters is noticeable. Reliance in this connection may be placed upon the Bench decision of this Court in **Sanni Mishra *alias* Sanjayan Kumar Mishra v. State of U.P. and others⁵**, where it was held :

19. This court is also of the view that while forwarding and approving the gang-chart, it is the duty of the competent authorities to see whether gang-chart has been prepared as per the Gangster Rules, 2021 and all the formalities as required by the Gangster Rules, 2021 have been fulfilled. If from the record, it appears that competent authorities forwarded or approved the gang-chart without looking into the facts that the gang-chart was itself not prepared as per the Gangster Rules, 2021, then this fact will itself amount to non-application of independent mind on the part of competent authority.

21. Above facts also show that District Magistrate Gorakhpur while approving the gang-chart did not hold any discussion in a joint meeting with SSP Gorakhpur as required by Rule 5(3)(a) of the Gangster Rules, 2021, though the same is mandatory before approving the gang-chart. Therefore there is a clear violation of Rule 5(3) of the Gangster Rules, 2021.

(ii) While forwarding or approving the gang-chart, competent authorities must record their required satisfaction by writing in clear words, not by signing the printed/typed satisfaction.

(iii) There must be material available for the perusal of the court which shows that the District Magistrate before approving the gang-chart had conducted a joint meeting with the District Police Chief and held a due discussion for invocation of the Gangster Act, 1986.

10. Likewise, in Vinod Bihari Lal v. State of Uttar Pradesh and another⁶, it has been held by the Supreme Court :

44. Rule 5(3)(a) stipulates that a gang chart shall be approved only after due discussion in a joint meeting comprising the District Magistrate, Commissioner of Police, Senior Superintendent of Police, Superintendent of Police, and not through a summary process.

45. In the present case, there is nothing on record, even upon a microscopic examination, to indicate that a joint meeting was held prior to approval of the gang-chart. It is apparent that the gang-chart was approved summarily, without any discussion. It was forwarded and approved swiftly, without regard for compliance with the relevant rules. The compliance with Rule 5(3)(a) ought to be evident through the record of minutes of the joint meeting maintained in a register by the District Magistrate.

46. Further, Rule 16 mandates that the Additional Superintendent of Police shall forward the letter, alongwith a recommendation on the gang-chart, to the Superintendent of Police/Senior Superintendent of Police only upon being satisfied that there exists a just and satisfactory grounds to pursue the case. The Additional Superintendent of Police is required to record his recommendation in clear words. It is further incumbent upon the Superintendent of Police/Senior Superintendent of Police to thoroughly analyze all the facts, and only upon being satisfied that all the requirements under the Act are fulfilled and that grounds for taking action exists, he should forward the gang-chart to the Commissioner of Police/District Magistrate. The Superintendent of Police/Senior Superintendent of Police must also record his satisfaction not only *qua* the particulars of the case but also the grounds to proceed under the Act of 1986.

47. Furthermore, upon receipt of the gang chart along with all the requisite forms, the Commissioner of Police/District Magistrate is required to thoroughly examine all the facts afresh and only upon being satisfied

Senior Superintendent of Police and the District Magistrate, but also there is no mention as to on which particular date the gang-chart was forwarded by the Additional Superintendent of Police to the Senior Superintendent of Police, and thereafter, to the District Magistrate for approval.

49. Rule 17 mandates that the competent authority must exercise its independent mind while forwarding the gang-chart. It unequivocally prohibits the use of pre-printed gang-charts, thereby making it impermissible for the authority to mechanically affix its signature. The underlying objective of this prohibition is to ensure that the competent authority undertakes a conscious and reasoned application of mind, rather than merely endorsing a pre-prepared document. Such a safeguard is integral to preserving the procedural sanctity of the law and preventing arbitrary or perfunctory approvals that may adversely affect the rights and liberties of individuals.

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54. An independent application of mind cannot be presumed unless it is demonstrable from the record that the approving authority has, in letter and spirit, independently considered all the materials that culminated in the preparation and placement of the gang chart before him. While the correctness of such application of mind may lie beyond the scope of judicial scrutiny, the absence thereof certainly does not. A mechanical or routine exercise of power by the recommending, forwarding, and approving authorities respectively is impermissible, as it directly impinges upon the liberty of citizens.

11. In connected Criminal Misc. Writ Petition No. 29559 of 2025, the two petitioners, Atul Pratap Singh and Durgesh Kumar Singh, are shown to be in jail in the two crimes, to wit, Case Crime No. 182 of 2024 (*supra*) and Case Crime No. 11 of 2022, under Sections 147, 148, 149, 308 and 506 of the Indian Penal Code, 1860, Police Station Sukhpura, District Ballia. In the first mentioned crime, the petitioner was granted bail on 13.10.2025, but in the gang chart dated 18.11.2025, he has been shown to be in jail.

Column 8 to be in jail. Both these information are incorrect and approval of the gang chart, on the basis of this incorrect information, without looking into the record, shows utter non application of application of mind of law, violating Rules 8(3) and 16(1), (2), and (3) of the UP Gangsters Rules.

13. We may add here that both the bail orders dated 13.10.2025 and 03.02.2022 are on record which we have perused. The order dated 13.10.2025 has been passed by this Court, whereas the order dated 03.02.2022 has been passed by the learned Session Judge, Ballia. Unfortunately, these records were not perused either by the sponsoring authorities of the Police or the approving authority i.e. the Commissioner of Police, and they went, by an incorrect information entered in the gang chart that the first petitioner was in jail.

14. So far as the second petitioner in Criminal Misc. Writ Petition No. 29559 of 2025 is concerned, that is to say, Durgesh Kumar Singh, we notice that there is a solitary base case against him, that is to say, Case Crime No. 182 of 2024 (*supra*). He is shown to be in jail in Column 8 of the gang chart, in connection with the crime. He has been admitted to bail by this Court on 29.10.2025. We have perused the copy of the bail order

15. This takes us to the next case i.e. Criminal Misc. Writ Petition No. 677 of 2026, and the two petitioners here are Ajay Yadav and Pushpendra Singh. A perusal of the gang chart shows that Ajay Yadav, who is at Serial No. 3 of the chart, has been shown to be in jail in Column 8 in connection with Case Crime No. 182 of 2024 (*supra*) as well as Case Crime No. 11 of 2022 (*supra*). We find that so far as petitioner no. 1 is concerned, he has been admitted to bail in Case Crime No. 11 of 2022 *vide* order dated 17.04.2025 passed by the learned Sessions Judge, Ballia and in Case Crime No. 182 of 2024 by this Court *vide* order dated 10.10.2025. We have perused the relative bail orders, which are on record of the writ petition.

16. Likewise, in case of the second petitioner, Pushpendra Singh, who is also shown to be in jail in gang chart in Column 8 in connection with both crimes last mentioned, has been admitted to bail in Case Crime No. 182 of 2024 (*supra*) by this Court *vide* order dated 25.09.2025 and in Case Crime No. 11 of 2022 (*supra*) *vide* order dated 03.02.2022 by the learned Sessions Judge, Ballia. We have, again, perused the relative bail orders.

17. The conclusion, therefore, is that the gang chart has been approved by the Commissioner of Police and registration of the crime proposed by

UP Gangsters Rules, is also violative of Rules 8(3) and 16(1), (2), (3) of the Rules aforesaid.

18. The petitioner, in the last petition of this batch of petitions i.e. Criminal Misc. Writ Petition No. 28311 of 2025 is Ranvijay Singh *alias* Prince. His name figures in the common gang chart at Serial No. 6. He is shown involved in a solitary base case, that is to say, Case Crime No. 182 of 2024 (*supra*). In Column 8 of the gang chart, he is indicated to be in jail. A perusal of the record shows that this petitioner has been admitted to bail by this Court *vide* order dated 29.10.2025 in Case Crime No. 182 of 2024. The gang chart, on the other hand, shows the petitioner to be in jail. This is, again, a case of gross non application of mind, because it is the duty of the police officers sponsoring the registration of a case, under the UP Gangsters Act to carefully scrutinise the record, as also that of the approving authority, the Commissioner of Police. None of them have looked into the papers, which, if carefully seen, would have revealed that the petitioner was already on bail on 18.11.2025, when the gang chart was approved in the solitary base case. This is, therefore, a clear case of violation of Rules 8(3) and 16(1), (2), (3) of the UP Gangsters Rules. In addition, it again goes without saying that there is gross violation of Rule

19. In the result, all the writ petitions **succeed** and are **allowed**. The FIR dated 19.11.2025, giving rise to Case Crime No. 186 of 2025, under Section 2/3(1) of the U.P. Gangsters Act, Police Station Shivkuti, District Prayagraj, impugned in each of the writ petitions, is hereby **quashed**.

20. An entry shall be caused to be made in the General Diary of Police Station, Shivkuti, District Prayagraj by the learned Chief Judicial Magistrate, Prayagraj in red ink that proceedings of Case Crime No. 0186 of 2025, under Section 2/3(1) of the U.P. Gangsters Act, Police Station Shivkuti, District Prayagraj, as against the petitioners, stand quashed under orders of this Court.

21. The Registrar (Compliance) is directed to communicate this order to the learned Chief Judicial Magistrate, Prayagraj and through her, to the Commissioner of Police, Prayagraj and the Station House Officer, Police Station Shivkuti, District Prayagraj.

(J.J. MUNIR, J.)

(TARUN SAXENA, J.)