

(2026) 03 SC CK 1439

In the Supreme Court Of India

Case No : Criminal Appeal Nos. 1543-1544 Of 2026 [@Special Leave Petition (Criminal) No.17929-17930 Of 2025]

Gabbar Singh Alias Devendra Pratap Singh Alias Rajesh Singh APPELLANT
Vs

State Of U.P. And Ors RESPONDENT

Date of Decision : 20-03-2026

Acts Referred:

Uttar Pradesh Gangsters and Anti Social Activities (Prevention) Act, 1986 — Section 3(1), 5(1), 5(2), 5(3), 5(3)(d)
Uttar Pradesh Gangsters and Anti Social Activities (Prevention) Rules, 2021 — Rule 16(1)

Citation : (2026) 03 SC CK 1439

Hon'ble Judges : Sanjay Kumar, J;K. Vinodchandran, J

Bench : Division Bench

Advocate : Vishwajit Singh, Veera Kaul Singh, Rohan Choudhary, Namit Saxena

Final Decision : Allowed

Judgement

K. Vinod Chandran, J

1. Leave granted.

2. The appeals are filed against the impugned orders declining the prayer for quashing of an FIR and rejecting the review filed against the said order. FIR No.0125 of 2022 dated 28.05.2022 was filed under Section 3(1) of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 (hereinafter referred to as, 'the Act of 1986') at the Police Station Kotwali Nagar, District Bahraich. The High Court, after perusal of the Gang Chart produced as Annexure 2, found a number of criminal cases registered against the three different petitioners, one of whom is before us in the above appeals. It was also noticed that all the petitioners before the High Court were in jail, presumably arrested under the various criminal cases pending against them.

3. Under the Act of 1986 the petitioners were alleged to be members of a gang

as defined therein indulging in activities specifically of land grabbing, fraudulent land transactions, extortion, voluntarily causing hurt, criminal intimidation, breach of peace, cheating, forgery and so on and so forth, many of which offences singly and together are alleged in the various crimes registered against them. The captioned FIR filed under the Act of 1986 relied solely on the Gang Chart drawn up, which was challenged before the High Court. The High Court noticing the various decisions, on interference in criminal proceedings by quashing the FIR or the charge sheet, found a prima facie case made out against the petitioners including the appellant herein and declined relief.

4. The learned Senior Counsel appearing for the appellant, restricted the challenge to the procedure adopted under the Act of 1986 and the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Rules, 2021 (hereinafter referred to as 'the Rules of 2021'). Reliance was also placed on Vinod Bihari Lal v. State of Uttar Pradesh 2025 SCC Online SC 1216. The learned Senior Counsel based on the documents produced in the records would contend that the Gang Chart filed along with the FIR was not in accordance with the prescription in the Rules of 2021, a certified copy of which; obtained from the Court to which the FIR was transmitted from the police station in which it was registered, having no signatures on it.

5. The learned Government Advocate for the State on the other hand, contended that the Nodal Officer who is the Station House Officer had forwarded the Gang Chart to the concerned Court at the first instance, when he had forwarded the same to the Additional Superintendent of Police. The original of the Gang Chart as produced by the appellant himself was specifically pointed out to show the different dates in which the various authorities had signed the same as prescribed under the Rules of 2021. The appellant is the leader of the gang, indulging in so many illegal activities raising threats and intimidation against the general public and is a menace to the society at large is the argument.

6. We would confine ourselves to the contention raised with respect to the prescription and the rules having not been followed to the letter, which is essential and necessary. Annexure P1 is the FIR registered on 28.05.2022 along with which is produced the Gang Chart as transmitted, presumably by the Nodal Officer. A Gang Chart mandates the recommendation of the Nodal Officer and the Additional Superintendent of Police, approved by the Superintendent of Police and the District Magistrate, the recommendations in the written form and the approval by affixing of signatures. Neither are the recommendations mandated are available nor the signatures of anyone visible in Annexure P1.

7. As pointed out by the learned Government Advocate for the State, Exhibit P4 shows the Nodal Officer and the Additional Superintendent of Police having signed the same with their express recommendations on 20.05.2022 and the Superintendent of Police and the District Magistrate having approved it by affixing their signatures on 26.05.2022 and 28.05.2022 respectively. The prescription in the Rules has thus been complied scrupulously, is the contention

raised.

8. In this context, we have to look at the prescription in the Rules as had been noticed by this Court also in Vinod Bihari Lal 2025 SCC Online SC 1216, which had extracted the relevant rules. Section 5 (1) speaks of initiation of proceedings under the Act of 1986 inter alia by a Station House Officer, which by subsection (2) has to 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 specified gang. Subsection (3) of Section 5 speaks of the multiple compliances of which, relevant for our purpose is the approval of the Gang Chart after due discussion in a joint meeting of the Commissioner/District Magistrate and the Senior Superintendent/ Superintendent of Police; which obviously does not come out from the chart, the certified copy of which was received from the Court. Nor is there any indication of such a meeting having been held in Annexure-P4; though duly signed. According to the appellant the signatures were affixed post registration of the FIR. The absence of such a joint meeting was noticed in the cited decision also and faulted as a deviation and violation from the prescription in the rules.

9. Rule 16(1) speaks of the Additional Superintendent of Police taking quick forwarding action in the case, on receipt of the Gang Chart from an SHO clearly expressing his or her recommendation to the Senior Superintendent/ Superintendent of Police. The Senior Superintendent/ Superintendent of Police has to then forward the same to the Commissioner/District Magistrate. Though satisfaction is to be arrived at by each of the said officers, a clear express recommendation is required only in the case of Additional Superintendent of Police and of course the SHO who initiates the proceedings; both of which are glaringly absent in the certified copy.

10. Undisputedly, the certified copy of the Gang Chart received from the Court to which the FIR was transmitted did not have the signatures of the various authorities including that of the Nodal Officer who is said to have initiated the recommendation. We are unable to agree with the learned Government Advocate that the Nodal Officer on preparation of the Gang Chart while forwarding it to the Additional Superintendent of Police had forwarded it to the Jurisdictional Court as well. It has to be pertinently observed that there is no prescription in the Rules for forwarding the Gang Chart to the Court, before it assumes the status of a Gang Chart under the Act and Rules as prescribed therein; which process has to culminate with a joint meeting of the Superintendent of Police and the District Magistrate. The prescription also is that there should be express recommendation by the Additional Superintendent of Police, the satisfaction of which has to be arrived at by both the Superintendent of Police and the District Magistrate by affixing their signatures to that document after a joint meeting. Even if we assume for argument's sake that the Gang Chart was forwarded by the Nodal Officer to the Jurisdictional Court, it should have contained the recommendation and signature of the Nodal Officer, in the least. We may not be understood as

having accepted such a procedure, which even if in vogue is not a mandate of the statute or the rules framed under it. More importantly it cannot be condoned since the FIR registered on the strength of the Gang Chart should have acquired that status under the Act and the Rules, by following the prescribed procedure which should be evident from the Chart itself.

11. We fall back upon the principle that when a particular thing is to be done, it should be done in the manner stipulated; here statutorily prescribed, or not at all. Especially when at stake is the liberty of an individual, precious to all and possible of breach only in accordance with law. More so in the precarious nature of the law, which permits mere naming of a person, as a gangster and automatic condemnation, which perilous consequences we leave to be considered in an appropriate case.

12. We find absolutely no reason to sustain the order of the High Court and allow the criminal proceedings to be continued on the basis of the FIR registered. We quash the FIR registered since the Gang Chart accompanying the FIR was not one as prescribed under the Act of 1986 and the Rules of 2021. We make it clear that the prescription under Section 5(3)(d) shall not disable the Authorities from taking any action in accordance with the Act and Rules, merely for the reason of the crimes having been mentioned in the subject Gang Chart, which we have quashed on grounds only of glaring procedural irregularity.

13. We also make it clear that we have not said anything about the allegations raised by the Police in the offences charged in the various criminal cases as noticed in the Gang Chart, the proceedings in which will have to be taken to its logical conclusion

14. The appeals stand allowed, setting aside both the impugned orders of the High Court and quashing FIR No.0125 of 2022 dated 28.05.2022 registered at Police Station Kotwali Nagar, District Bahraich.

15. Pending applications, if any, shall stand disposed of.