
(2009) 01 AHC CK 0013
In the Allahabad High Court
Case No : Criminal M.W.P. No. 784 of 2009

Kiran Pal and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 29-01-2009

Acts Referred:

Citation : (2009) 1 ACR 857

Hon'ble Judges : R.N. Misra, J; Amar Saran, J

Bench : Division Bench

Advocate : P.P. Srivastava and Shishir Prakash, for the Appellant; A.G.A., for the Respondent

Judgement

Amar Saran and R.N. Misra, JJ.—Heard learned Counsel for the Petitioners and the learned A.G.A.

2. The Petitioner is seeking quashing of the F.I.R. u/s 2/3 of the Gangsters Act, P.S. Indira Puram, district Ghaziabad, in Case Crime No. 55/2009.

3. It was argued by the learned Counsel for the Petitioners that the allegations in the F.I.R. were of preparing forged documents and earning a lot of money by sale of plots on the basis of forged documents. It is argued by the learned Counsel for the Petitioners that five cases were shown against them and in all those cases they have got themselves bailed out and in certain matters of 2008, the arrest of the Petitioners was stayed in Criminal Misc. Writ Petitions No. 22767 of 2008, 22768 of 2008, 22769 of 2008, 22770 of 2008 and 22771 of 2008.

4. In the decision of Kishan Pal alias K. P. v. State of U.P. and Anr. (LIV) 2006 ACC 1015: 2006 (2) ACR 1254, it has been held that it would not be proper in such matters for High Court to interfere in writ jurisdiction as Petitioners can always appear before the Court concerned and make submissions there.

5. In this view of the matter, we find no ground for quashing the criminal proceedings u/s 2/3 of Gangsters Act.

6. However, it is directed that if the Petitioners appear in the aforesaid case within three weeks before the Court concerned, their prayer for bail may be considered expeditiously in accordance with the provisions of Gangsters Act. With the aforesaid observations the petition is dismissed.