



**NON-REPORTABLE**

**IN THE SUPREME COURT OF INDIA**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPEAL NO. 2338 OF 2023**  
**(Arising out of S.L.P. (Criminal) No. 9729 of 2018)**

**MOHMOOD ALI**

**...APPELLANT(S)**

**VERSUS**

**STATE OF U.P. & ORS.**

**...RESPONDENT(S)**

**J U D G M E N T**

**J.B. PARDIWALA, J. :**

1. Leave granted.
2. This appeal arises from an order dated 05.10.2018 passed by the High Court of Judicature at Allahabad in the Criminal Miscellaneous Writ Petition No. 28080 of 2018 filed by the appellant herein by which the High Court rejected the Writ Petition and thereby declined to quash the First Information Report (FIR) No. 165 of 2018 dated 22.07.2018 registered at the Police Station Mirzapur, District Saharanpur, State of U.P. for the offences punishable under Sections 2 and 3 respectively

of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986.

### **FACTUAL MATRIX**

3. The FIR dated 22.07.2018 reads thus:-

*“The complainant made oral statement that on today dated 22.07.2018 during the patrolling, I with Yogesh Sharma, constable 1852 Ankush Kumar, Jeep Driver Constable 1877 Navin Kumar for taking care of public order, patrolling and searching for wanted accused, came to know that under area of police station, the accused Haji Iqbal @ Balal son of Mohd. Abdul Wahid R/o Village- Mirjapurpole, PS. Mirjapur, District. Saharanpur, has formed a united strong gang. In his gang has Mahmood Ali Son of Mohd. Abdul Wahid, Abdul Wajid Son of Haji Iqbal @ Bala and Javed son of Haji Iqbal @ Bala R/o R/o Village- Mirjapurpole, PS. Mirjapur, District. Saharanpur, are active member. This gang by spreading terror and creating fear in public have taken unlawful possessions of the land and giving threat of killing the. In the public there is so much fear of these people that ordinarily no one have the courage to report in police station and give evidence against them. The accused commit crime under chapter 5A, 17 and 22 of IPC. On the basis of received information and on the basis of criminal history of gang leader Iqbal @ Balal and members gangchart was prepared and sent to District Magistrate, Saharanpur for approval, which approval was received later. The criminal history of the accused is as under; 1. Haji Iqbal @ Bala son of Mohd. Abdul Wahid above mentioned, 1. Case crime no. 65/18 section 447, 506, and 120B IPC, 2. Case Crime No. 196/17 sections 420, 406 and 506 IPC, 2-Mahmood Ali S/o Mohd. Abdul Wahid above mentioned, 1-Case Crime No. 65/18 sections 447, 504 and 120B IPC, 3- Abdul Wajid S/o Haji Iqbal @ Bala above mentioned, 1- Case Crime No. 196/17 section 420, 406, 506 IPC, 2- Case Crime No. 318/17 section 447 IPC, 4-Javed S/o Haji Iqbal @ Bala above mentioned, 1-Case Crime*

*No. 65/18 sections 447, 506, 120B IPC. To control the criminal activities of the accused and to create a fearless environment in the public against gang leader Iqbal @ Bala above mentioned and gang member Mahmood Ali, Abdul Wajid and Javed above named, offence under section 2/3 of Gangster Act is being got registered.”*

4. Mr. Siddhartha Dave, the learned senior counsel appearing for the appellant herein pointed out that in the Case Crime No. 165 of 2018, the investigation officer on completion of the investigation filed a final report dated 08.05.2019 and one another final report based on a Supplementary Report dated 04.09.2020 in the Miscellaneous Case (Final Report) No. 1 of 2019 before the Special Judge (Gangster Act)/Additional Sessions Judge, Room No. 8, Saharanpur. He further pointed out that vide order dated 23.12.2020, the Additional Sessions Judge accepted the final report filed by the investigation officer in Case Crime No. 165 of 2018 and closed the proceedings. It has been brought to our notice on behalf of the appellant that the final report has not been challenged by the original first informant.

5. Thus, it appears that after the High Court rejected the Criminal Miscellaneous Writ Petition No. 28080 of 2018 filed by the appellant herein, the final report was filed by the investigation officer stating that no case was made out to

proceed against the appellant for the alleged offences. The said final report having been accepted by the Additional Sessions Judge vide order dated 23.12.2020, nothing more requires to be adjudicated upon in the present matter.

6. In view of the aforesaid, this appeal stands disposed of.

7. It is needless to clarify that the observations made in this judgment are relevant only for the purpose of the FIR in question and the consequential criminal proceedings. None of the observations shall have any bearing on any of the pending criminal prosecutions or any other proceedings.

.....J.  
( B.R. GAVAI )

.....J.  
( J.B. PARDIWALA )

**NEW DELHI;  
AUGUST 08, 2023**