

Court No. - 79

Case :- CRIMINAL MISC. WRIT PETITION No. - 13952 of 2025

Petitioner :- Ashu @ Ashu Garg

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Mohd. Samiuzzaman Khan, Zeeshan Khan

Counsel for Respondent :- G.A.

Hon'ble Sandeep Jain, J.

1. Heard learned counsel for the applicant and learned AGA for the opposite party.
2. The present application has been filed to quash the impugned Order dated 06.06.2025 passed by the Commissioner Meerut Division, Meerut i.e. respondent No. 2, in Case No. 2307 of 2024 "Computerized Case No. C202411000002307" (Ashu versus State of U.P.), Under section 6 of U.P. Goonda Control Act, 1970 as well as Externment Order dated 08.10.2024 passed by the Additional Police Commissioner Commissionerate, Ghaziabad in Case No. 594 of 2024 (State versus Ashu) Under Section 2/3 of U.P. Goonda Control Act, 1970 Police Station Kavinagar, District-Ghaziabad.
3. Learned counsel for the petitioner submits that the order issued by the Commissioner, Meerut Division, is a mechanical one and fails to examine the merits of the case. He argues that the applicant does not meet the definition of a "Goonda" as defined under the Uttar Pradesh Control of Goondas Act, 1970 (hereinafter referred to as the Act). Consequently, no proceedings should have been initiated against the applicant under the Act. He further contends that the impugned order does not demonstrate that the lower court applied its mind to the issues in controversy. Based on these submissions, the counsel for the applicant submits that the operation of the order be stayed and the order itself be quashed.
4. Learned AGA has opposed the prayer of learned counsel for the applicant.
5. Considering the facts and circumstances of the case, it is evident from a perusal of the impugned order that it was passed in a mechanical manner. It fails to examine whether the applicant falls within the definition of "Goonda" as defined under the Act. Furthermore, there is no indication that the lower court thoroughly reviewed the facts of the case mentioned in the order. Therefore, the order appears prima facie to be illegal.

However, it is necessary to grant the A.G.A sufficient time to file a counter affidavit.

6. Learned AGA prays for and is granted two weeks time to file counter affidavit. Applicant will have two weeks thereafter to file rejoinder.

7. List thereafter.

8. In the meanwhile, the effect and operation of the order dated 06.06.2025 passed by the Commissioner Meerut Division, Meerut i.e. respondent No. 2, in Case No. 2307 of 2024 "Computerized Case No. C202411000002307" (Ashu versus State of U.P.), Under section 6 of U.P. Goonda Control Act, 1970 as well as Externment Order dated 08.10.2024 passed by the Additional Police Commissioner Commissionerate, Ghaziabad in Case No. 594 of 2024 (State versus Ashu) Under Section 2/3 of U.P. Goonda Control Act, 1970 Police Station Kavinagar, District-Ghaziabad shall remain stayed.

Order Date :- 1.8.2025

Himanshu