



2026:AHC:189618

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 1903 of 2026

Abhishek Tyagi

.....Petitioner(s)

Versus

Uttar Pradesh Rajya Dwara Grah Sachiv And 3
Others

.....Respondent(s)

Counsel for Petitioner(s) : Akhilesh Kumar Vishwakarma, Anil
Kumar Singh
Counsel for Respondent(s) : G.A.

A.F.R.

Court No. - 73

HON'BLE SANDEEP JAIN, J.

1. The counter affidavit filed by the learned Additional Government Advocate in Court today is taken on record.

2. The instant writ petition under Article 226 of the Constitution of India has been filed for the following relief:-

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 10.12.2025 passed by the Commissioner, Meerut Division, Meerut, in Case No. 3148 of 2025, Abhishek Tyagi Vs. State of Uttar Pradesh, under Section 6 of the Uttar Pradesh Control of Goondas Act, 1970, Police Station Teela Mod, District Ghaziabad, contained in Annexure No. 1 to the writ petition, as well as the impugned order dated 18.09.2025 passed by the Additional Commissioner of Police, Commissionerate Ghaziabad, in Case No. 195 of 2025, State Vs. Abhishek Tyagi, under Sections 2/3 of the Uttar Pradesh Control of Goondas Act, 1970, Police Station Teela Mod, District Ghaziabad, contained in Annexure No. 2 to the writ petition, and further be pleased to quash the entire proceedings initiated against the petitioner pursuant to the aforesaid orders and to pass such other and further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

3. Learned counsel for the petitioner submits that merely on the basis of two cases, namely, Case Crime No. 326 of 2022, under Sections 323, 352,

504 and 506 I.P.C., Police Station Teela Mod, District Ghaziabad, and Case Crime No. 174 of 2025, under Sections 109(1), 115(2), 190, 191(2), 191(3), 351(3) and 352 B.N.S., Police Station Teela Mod, District Ghaziabad, proceedings under Section 2/3 of the U.P. Control of Goondas Act, 1970 were initiated against the petitioner. Subsequently, by order dated 18.09.2025 passed by the Additional Commissioner of Police, Commissionerate Ghaziabad, the petitioner was directed to reside at his permanent address and mark his attendance every second and fourth Saturday of the month at the concerned police station in District Ghaziabad for a period of six months. The said order was challenged by the petitioner by filing an appeal before the Commissioner, Meerut Division, Meerut, which was also dismissed by order dated 10.12.2025. Learned counsel for the petitioner submits that it is well settled that merely on the basis of two cases, a person cannot be branded as a "Goonda". On these submissions, it is prayed that the writ petition be allowed and the impugned orders dated 18.09.2025 and 10.12.2025 be quashed.

4. Per contra, learned A.G.A. submits that, at present, two cases are registered against the petitioner, which demonstrate that he is a habitual offender. On the basis thereof, the petitioner was declared a "Goonda" and was directed to mark his attendance by order dated 18.09.2025. The said order was subsequently affirmed by the appellate authority vide order dated 10.12.2025. It is, therefore, submitted that the impugned orders suffer from no illegality or infirmity warranting interference by this Court in exercise of its extraordinary writ jurisdiction.

5. I have heard learned counsel for the petitioner, learned A.G.A., and perused the impugned orders as well as the material available on record.

6. A Coordinate Bench of this Court in the case of **Lalani Pandey @ Vijay Shankar Pandey vs. State of UP, 2010 SCC OnLine All 2411**, held as under:-

"14...In this case the accused has not been treated as 'goonda' on the grounds mentioned in clause 2 (b) (ii) to (vii) of the Act as referred above. He has been treated as goonda under clause 2 (b) (i) of the Act. As per definition of goonda as contained in clause 2 (b)(i) of the Act, a person can be treated as goonda only when he is

*habitually involved in commission of offence as mentioned therein. The word goonda carries on the meaning that a person who by habit is involved to commit repeated offences as mentioned above will be treated as 'goonda'. **One or two criminal cases against a person will not be sufficient to hold him that he is habitually involved in commission of such offences and he is a 'goonda'.***

15. In the case of Shankar Ji Shukla v. Ayukt, Allahabad Mandal, Allahabad and Others 2005 (52) ACC 638 the word 'habitually' came for consideration before this Court. The court relying on its previous judgment in the case of Imaran @ Abdul Qaddus Khan v. State of U.P. And others reported in 2000 (Suppl.) ACC 171 (Alld) as well as the case of Vijay Narain Singh V State of Bihar and Others reported in (1984) 3 SCC 14 decided by the Hon'ble Apex Court held that a single or two acts of the accused will not be sufficient to hold that he is habitually involved in commission of the offences referred in the Act. The relevant observation of the Hon'ble court finds place in para 6 of the judgment which is being extracted below:

"... 6. The emphasis is on the work habitual and a single or two acts after a long gap does not amount to the term 'Habitually'. The expression 'habitually' means 'repeatedly' or 'persistently'. It implies a thread of continuity stringing together similar repetitive acts. Repeated, persistent and similar, but not isolated, individual and dissimilar acts are necessary to justify an inference of habit. It connotes frequent commission of acts or omissions of the same kind. Because, the idea of 'habit' involves an element of persistence and a tendency to repeat the acts or omissions of the same kind, if the acts or omissions in question are not of the same kind or even if they are of the same kind when they are committed with a long interval of time between them, they cannot be treated as habitual ones. Learned counsel for the petitioner further relied on the case of Imaran @ Abdul Qaddus Khan v. State of U.P. And Others. In Imran's case (supra), the Court relied on the judgment of Hon'ble Supreme Court in the case of Vijay Narain Singh v. State of Bihar and Others, for defining the term 'Goonda'. It was further held in Imaran's case (supra) that even the minority view which was taken in Vijay Narain's case (supra) was that the word 'habitually' means 'by force of habit'. From the facts found above I find that the petitioner is not a habitual offender and he cannot be brought under the term 'Goonda' as defined under the Act..."

16. In this case, in counter affidavit filed by Awadhesh Kumar Awasthi, Sub Inspector, P.S. Saraini, District Raebareli, it has been specifically stated that the petitioner has a

criminal history of as many as 9 cases but in the impugned notice issued by the learned Additional District Magistrate, only two cases as referred above have been mentioned therein, therefore, the criminal history of rest cases cannot be a ground to treat the petitioner as goonda which do not find place in the impugned order. If the criminal history of those cases would have been mentioned in the impugned notice, they could be considered for holding the accused as goonda. Since only two criminal cases have been referred in the impugned notice issued by the learned Additional District Magistrate to the petitioner hence only those two cases cannot be considered to determine as to whether the petitioner is goonda.

17.***

18. *In the case of Shankar Ji Shukla v. Ayukt, Allahabad Mandal, Allahabad and Others (supra), it has been held that a person cannot be held to be 'goonda' only on the basis of one or two acts, **a person can be held to be goonda only when he is in habit of committing repeated offences.** In this case, only two criminal cases have been shown against the accused which too were registered by the police in pursuant to the order passed by the Judicial Magistrate on the applications moved by the respective complainants under Section 156 (3) of the Code. The petitioner on the basis of these two cases cannot be said to be habitually involved in commission of offences as defined under Section 2 (1) (b) of the Act. He, therefore, cannot be held to be goonda..."*

(emphasis supplied)

7. A Division Bench of this Court again in the case of **Govardhan vs. State of UP, Neutral Citation No.- 2023:AHC:169934-DB**, held as under:-

"9. It is a fundamental right of every citizen to reside peacefully and profess his business, but if the executive authorities are issuing notice under this deterrent law, then they must be doubly sure about the individual's past image, his past credentials, his family, social educational back ground and after assessing all these factors if the executive authorities comes to the conclusion that individual is a "Goonda" or a potential threat to society at large and should be thrown out from the municipal limits, then only by well reasoned order, after applying his own independent judicial mind pass a well reasoned order for externment of that individual or even issue notice to that individual calling upon him to justify his past conduct.

10. The public perception regarding the individuals' image carries weight. If the individual is enjoying a bad reputation and name in the area and coupled with the fact that he has got a chequered past then executive authorities are well within their right to issue notice to that individual or to pass an externment order for that individual. **Trivial and insignificant offences having one or two in number would not make the person branded as a "Goonda". This adjective "Goonda" itself carries bundle load of bad name, and the executive authorities casually and irresponsibly brand a person as a Goonda, goes without saying, that his entire future and reputation would go to dogs and cause irreparable damage to his name and reputation of his family."**

(emphasis supplied)

8. Similarly, a Division Bench of this Court in the case of **Saurabh @ Saurabh Kumar vs. The State of UP and 2 Ors., Neutral Citation No. - 2025:AHC:131125-DB**, while relying on the case of **Goverdhan** (supra), held as under:-

"3. From the perusal of the impugned notice, following cases are registered against the petitioner:-

(1) Case Crime No. 150 of 2024 under Sections 389, 504, 506, 120B IPC and Section 67 of I.T. Act.

(2) Case Crime No. 1042 of 2024 under Sections 352, 351(3) B.N.S., and

(3) Beat Report No. 37/04.04.2025.

4. Learned counsel for the petitioner submits that on the basis of two cases, the petitioner has been issued notice under Section 3 U.P.Control of Goondas Act, which is not justified. This Court in the case of **Goverdhan Vs. State of U.P.** passed in Crl. Misc. Writ Petition No. 12619 of 2023 has struck down such a notice on the ground that because of implication only in two cases, a person cannot be held to be a Goonda within the definition of the Act.

5. This Court deprecated such practice on the part of the Government Officials and struck down such notice in view of the settled legal position, the impugned notice cannot be said to be in accordance with law, it is accordingly quashed."

9. This Court again in the case of ***Rahul vs. State of UP Thr. Prin. Secy. Home Lko. and Others*** 2026 SCC OnLine All 21744, held as under:-

"13. From a collective reading of the aforesaid judgments, the following principles emerge:

(i) A person is termed as a "goonda" if he is a habitual criminal. The word "habitually" means "repeatedly" or "persistently". "Habit" means persistence in doing an act i.e. the commission of a number of similar acts. The word "habitual" connotes some degree of frequency and continuity. Habitually requires a continuance and permanence of some tendency, something that has developed into a propensity, that is, present from day to day. Repeated, persistent and similar but not isolated, individual and dissimilar acts are necessary to justify an inference of habit.

*(ii) **One or two acts of the accused will not be sufficient to hold that he is habitually involved in commission of offences referred to in the Act.***

(iii) There must be reasonable nexus between the act of the accused and its impact on the society. There must not be time gap between the proceedings under this Act and the acts said to be committed by the accused must show relation between the two.

(iv) It must be evident from the facts that by his confirmed habit, the petitioner is sure to commit more offences, if he is not externed.

(v) The legislation is preventive and not punitive. Its sole purpose is to protect the citizens from the habitual criminals and to secure future good behaviour and not to punish the innocent persons.

(vi) The Goonda Act is a powerful tool for the control and suppression of the "Goondas", it should be used very sparingly in very clear cases of "public disorder" or for the maintenance of "public order". The Act should not be allowed to be misused as a tool of oppression of innocent persons.

(vii) The Goonda Act is not intended to secure punishment of a person without his conviction for a substantial offence.

(viii) The intention of the Act is to afford protection to the public against hardened or habitual criminals or bullies or dangerous or desperate class who menace the security of a person or of property. The order of externment under the Act is required to be

passed against persons who cannot readily be brought under the ordinary penal law and who cannot be convicted for the offences said to have been committed by them.

14.***

15. Registration of beat reports without any complaint having been filed by any person, when no investigation follows a beat report and no prima facie satisfaction of involvement of a person in commission of the offence is recorded in furtherance of the beat reports, and the person would not have an opportunity to rebut the allegations made in the beat reports, would not provide a ground for declaring a person to be a Goonda."

(emphasis supplied)

10. It is apparent that merely on the basis of two criminal cases, namely, Case Crime No. 326 of 2022, under Sections 323, 352, 504 and 506 I.P.C., Police Station Teela Mod, District Ghaziabad, and Case Crime No. 174 of 2025, under Sections 109(1), 115(2), 190, 191(2), 191(3), 351(3) and 352 B.N.S., Police Station Teela Mod, District Ghaziabad, the petitioner was branded as a "Goonda" and proceedings were initiated against him under Section 2/3 of the U.P. Control of Goondas Act, 1970. Consequently, by order dated 18.09.2025 passed by the Additional Commissioner of Police, Commissionerate Ghaziabad, the petitioner was directed to reside at his permanent address and mark his attendance every second and fourth Saturday of the month for a period of six months at the concerned police station in District Ghaziabad. The aforesaid order was challenged by the petitioner by filing Appeal No. 3148 of 2025 (Computerized Case No. C202511000003148) before the Commissioner, Meerut Division, Meerut, which was also dismissed vide order dated 10.12.2025. It is well settled that merely on the basis of one or two criminal cases, a person cannot be branded as a "Goonda". Such punitive action on the part of the State causes irreparable damage to the reputation of such person and his family. Moreover, there is a gap of 3 years in the occurrence of the two criminal cases which shows that he is not a habitual offender. Since, in the instant case also, the petitioner has been branded as a "Goonda" merely on the basis of two criminal cases registered against him, the proceedings initiated against him under the Act of 1970 cannot be sustained and are liable to be quashed.

11. Accordingly, the instant writ petition is **allowed**. Consequently, the impugned orders dated 18.09.2025 and 10.12.2025 are hereby quashed.

12. Before parting, it would be worthwhile to mention that inspite of the consistent stand taken by this Court that merely on the basis of one or two cases, a person cannot be branded as "Goonda" under the Act of 1970, the bureaucracy has deliberately not noticed this and is continuing to pass orders to the contrary, which results in increasing the pendency of the Courts and suffering of the people. It is apparent that the Act of 1970 is being used as a tool of oppression by the bureaucracy and the State, which is contrary to the objects of the Act of 1970.

13. This Court has uptill now refrained from imposing damages on the bureaucrats who are continuously passing whimsical orders in purported exercise of power vested under the Act of 1970, but now time has come when a strong message is required to be sent to the bureaucracy to stop doing this or otherwise face punitive damages for arbitrary and illegal exercise of the power under the Act of 1970.

14. Accordingly, the petitioner is awarded Rs.50,000/- damages for the suffering and agony meted out to him by declaring him "Goonda" under the Act. The State is at liberty to recover it from the salary of the concerned bureaucrats. Such damages be paid in **one month**, failing which, the petitioner can initiate proceedings for its recovery in accordance with law.

(Sandeep Jain,J.)

September 10, 2026

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