

**Court No. - 47**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 15921 of 2025

**Petitioner :-** Shailendra Kumar

**Respondent :-** The State Of U.P. And 2 Others

**Counsel for Petitioner :-** Sourabh, Vijay Raj Pal

**Counsel for Respondent :-** G.A.

**Hon'ble Siddharth, J.**

**Hon'ble Avnish Saxena, J.**

1. Heard learned counsel for the petitioner, learned A.G.A. for the State and perused the record.
2. This petition has been filed by petitioner with a prayer to quash the impugned show cause notice dated 30.06.2025 issued by respondent no. 2/Additional District Magistrate, Lalitpur, under Section 3 of U.P. Control of Goondas Act, 1970, P.S. Kotwali Laliput, District Lalitpur.
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.

6. The petition is allowed.

7. Additional District Magistrate, Lalitpur, who issued the impugned notice is directed to be cautious in future while issuing such notices.

7. Let a copy of this order may be given to the learned A.G.A. for compliance.

**Order Date :- 5.8.2025**

Abhishek Sri.

**(Avnish Saxena,J.)      (Siddharth,J.)**