



2026:AHC-LKO:10625

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 819 of 2026

Dharmendra @ Dharmendra Soni

.....Applicant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Deptt. Of
Home Lko. And Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Abhishek Mishra, Samanvya Dhar
Dwivedi, Vikrant Choudhary
Counsel for Opposite Party(s) : G.A.

Court No. - 12

HON'BLE PANKAJ BHATIA, J.

1. Heard learned Counsel for the applicant and learned A.G.A.

2. The present application has been filed by the applicant seeking to challenge the following proceedings:

"(i). Case No.6472 of 2020 arising out of FIR No.38 of 2020, Police Station Hardi, District Bahraich.

(ii). Case No.6466 of 2020 arising out of FIR No.39 of 2020, Police Station Hardi, District Bahraich.

(iii). Case No.6468 of 2020 arising out of FIR No.107 of 2020, Police Station Hardi, District Bahraich.

(iv). Case No.6465 of 2020 arising out of FIR No.111 of 2020, Police Station Hardi, District Bahraich.

(v). Case No.6467 of 2020 arising out of FIR No.137 of 2020, Police Station Hardi, District Bahraich.

(vi). Case No.6469 of 2020 arising out of FIR No.151 of 2020, Police Station Hardi, District Bahraich.

(vii). Case No.6470 of 2020 arising out of FIR No.158 of 2020, Police

Station Hardi, District Bahraich.

(viii). Case No.6471 of 2020 arising out of FIR No.171 of 2020, Police Station Hardi, District Bahraich.

(ix). Case No.40 of 2021 arising out of FIR No.203 of 2020, Police Station Hardi, District Bahraich."

3. The neat contention of the Counsel for the applicant is that insofar as the cases at sl.no.1 to 8 are concerned, there were huge inconsistencies in the statements proposed to be relied upon in the charge-sheet as well as do not relate to the alleged recovery memo wherein there are huge distinction of the dates in the statements as well as the recovery memo. He further argues that for implicating the applicant under Sections 411 and 413 of the IPC, no material exists to even suggest or allege that the applicant was doing the same knowingly or was habitually doing it and thus, the filing of the charge-sheet under the said section is not at all justified.

4. With regard to the FIR No.203 of 2020, under Section 3(1) of the U.P. Gangsters and Anti Social Activities (Prevention) Act, the submission of the Counsel for the applicant is that there is non-compliance of the Rules framed under the U.P. Gangsters and Anti Social Activities (Prevention) Act, as evidently the meeting of mind is absent, which evident from the gang chart on record, based upon which, the proceedings have been initiated. It is further argued that the FIR under Section 3(1) of the Gangsters Act without invoking Section 2(b) is not at all justified.

5. Considering the submissions made at the Bar insofar as, challenge to the FIR No.203 of 2020 and the charge-sheet filed in pursuance to the said offences, clearly meeting of mind, which is mandatory in terms of the Rules, is not adopted. This aspect was considered by this Court in the case of *Nisha vs State of U.P. and another: 2025:AHC-LKO:14840* as well as by the Hon'ble Supreme Court in the case of *Vinod Bihari Lal vs State of Uttar Pradesh: 2025 INSC 767* and following the said judgments and ex-facie finding the lack of meeting of mind and not following the mandatory Rules, the proceedings of Sessions Case No.40 of 2021 arising out of FIR No.203 of 2020, under Section 3(1) of the U.P. Gangsters Act are

quashed.

6. The authority would be at liberty to take fresh decision, if so advised, in accordance with law and after following the mandatory provisions.

7. In respect of the other offences sought to be quashed, it is argued that even the charge has not been framed till date.

8. In the light of the arguments raised in respect of the cases mentioned at sl.1 to 8, it is open to the applicant to file a discharge application. In case, such application is filed, the same shall be considered and decided on its own merit, in accordance with law.

9. The application is *disposed off* in the above terms.

(Pankaj Bhatia,J.)

February 11, 2026

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