



2026:AHC:86792

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 27666 of 2025

Satendra

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Ramesh Singh Kushwaha, Vikas Srivastava
Counsel for Respondent(s) : G.A.

A.F.R.

Court No. - 53

HON'BLE SANDEEP JAIN, J.

1. The present writ petition has been instituted challenging the impugned judgment and order dated 02.06.2025 passed by the Commissioner, Meerut Division, Meerut in Appeal No. 720 of 2025 (Satendra vs. State of U.P.), as well as the order dated 12.02.2025 passed by the Additional District Magistrate (Finance & Revenue), District Bulandshahr in Case No. 1650 of 2024 (State of U.P. vs. Satendra), whereby proceedings under Section 3(1) of the U.P. Control of Goondas Act, 1970 culminated in an externment order against the petitioner for a period of six months.

2. Factual matrix is that the record reveals that two criminal cases have been registered against the petitioner at Police Station Khurja Nagar, District Bulandshahr. The first case, being Case Crime No. 3 of 2022, was registered under Sections 147, 323, 504, 506 IPC along with Sections 3(1)(d) of the SC/ST Act. The second case, being Case Crime No. 445 of 2023, was registered under Sections 147, 148, 149, 308, 323, 427, 504, 506 IPC alongwith other allied provisions of the SC/ST Act.

3. On account of the aforesaid criminal cases, proceedings under Section 3(1) of the U.P. Control of Goondas Act, 1970 were initiated against the petitioner. After providing due opportunity of hearing and upon consideration of the submissions made by the petitioner, wherein it was contended that the aforesaid cases were falsely lodged due to personal enmity and are still pending without any conviction, the externment order came to be passed.

4. The authorities below have concurrently recorded a finding that the petitioner is a habitual offender, posing a menace to society, and that his activities have created an atmosphere of fear and terror in the locality, thereby dissuading members of the public from coming forward to depose against him. It has further been taken into account that charge-sheets have been submitted in the aforesaid cases and cognizance has already been taken by the competent court. Consequently, the petitioner has been adjudged to be a "Goonda" within the meaning of the Act of 1970 and has been externed under

Section 3(3) thereof for a period of six months, which has been affirmed by the appellate authority, which are under challenge in the present writ petition

5. Learned counsel for the petitioner contended that only two criminal cases are pending against the petitioner and no conviction has been recorded therein. It was argued that mere pendency of two cases cannot justify branding the petitioner as a "Goonda" within the meaning of the Act of 1970. Reliance has been placed upon the judgment in *Lalani Pandey @ Vijay Shankar Pandey vs. State of U.P.* reported in 2011 (1) ADJ 434 as well as the law laid down by the Hon'ble Supreme Court in *Vijay Narain Singh vs. State of Bihar (1984) 3 SCC 14*, to contend that habituality cannot be inferred from isolated incidents.

6. Per contra, learned A.G.A. has submitted that the petitioner squarely falls within the ambit of the definition of "Goonda" as envisaged under Section 2 of the Act of 1970. It has been urged that it is not sine qua non that the person must have been convicted of the offences in question; rather, the pendency of criminal cases, coupled with the material available on record, is sufficient to warrant initiation of proceedings under the Act.

7. It has further been contended that the petitioner's involvement in multiple criminal cases within close proximity of time unequivocally demonstrates his habitual propensity to indulge in criminal activities. Learned A.G.A. submits that the authorities below have, upon due consideration of relevant material, rightly concluded that the petitioner is a habitual offender and a threat to public order, and therefore, the externment order does not warrant any interference by this Court in exercise of its extraordinary writ jurisdiction.

8. I have heard learned counsel for the parties and perused the impugned orders as well as the material available on record.

9. Section 2(b) of the Act 1970 reads as under:-

"Goonda' means a person who—

(i) either by himself or as a member or leader of a gang, habitually commits, or attempts to commit, or abets the commission of an offences punishable under section 153 or section 153-B or section 294 of the Indian Penal Code or Chapter XV, Chapter XVI, Chapter XVII or Chapter XXII of the said Code ; or

(ii) has been convicted for an offence punishable under the Suppression of Immoral Traffic in Women and Girls Act, 1956 ; or

(iii) has been convicted not less than thrice for an offence punishable under the U. P. Excise Act, 1910 or the Public Gambling Act, 1867 or section 25, section 27 or section 29 of the Arms Act, 1959 ; or

(iv) is generally reputed to be a person who is desperate and dangerous to the community ; or

(v) has been habitually passing indecent remarks or teasing women or girls ; or
 (vi) is a tout ;

10. 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 teated 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)

11. A Coordinate Bench of this Court in the case of ***Shahanshah vs. State of UP and 2 Others, Neutral Citation No.- 2022:AHC:35631*** decided on 16.03.2022, held as under:-

*"The Apex Court in the case Vijay Narain Singh versus State of Bihar and others, (1984) 3 SCC 14 observed that **it is essential to refer to at least two incidents of commission of crime for applicability of Clause (i) of section 2(b) of the 1970 Act.***

Since there is reference of one incident only in the notice in hand, it falls short of the legal requirement as provided in Clause (i) of section 2(b) of the 1970 Act.

Again, a Division Bench of this Court in Suresh Tewari Vs. State of U.P. and others decided on 23.5.2018, after considering the Apex Court judgement in Vijay Narain Singh Vs. State of Bihar, 1984 (3) SCC 14 and Full Bench judgement of this Court in Bhim Sain Tyagi Tyagi Vs. State of U.P. 1999 (39) ACC 321, while considering the issue relating to slapping of the penal provisions of the Act against an individual on basis of a solitary case, has observed as follows:-

*"The Hon'ble Apex Court in the case of Vijay Narain Singh versus State of Bihar and others (1984) 3 SCC 14 has been pleased to hold that **it is essential to refer to at least two incidents of commission of crime for applicability of Clause (i) of section 2(b) of the Act.** Since there is reference of one incident only in the notice, it falls short of the*

legal requirement as provided in Clause (i) of section 2(b) and in this way the notice being illegal could be challenged before this Court as laid down by the Full Bench of this Court in the case of Bhim Sain Tyagi v. State of U.P. And others 1999 (39) ACC 321. If there had been reference of two or more incidents in the impugned notice, then the minimum legal requirement of section, 2(b) Clause (i) would have been satisfied, and then in that case sufficiency of the material on merits could not be challenged before this Court, but before the authority concerned as laid down in the Division Bench ruling in the case of Jaindendra @ Chhotu Singh Versus State of U.P. (supra). But since the impugned notice in the present case is short of the legal requirement, it could be challenged in this Court. The observations in para 12 of the ruling in the case of Jaindendra (supra) which have been quoted above, also support this conclusion."

(emphasis supplied)

12. 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)

13. 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."*

14. Section 2(b) of the U.P. Control of Goondas Act, 1970 defines a "Goonda" as a person who habitually commits, attempts to commit, or abets the commission of offences punishable under various provisions of the Indian Penal Code, including offences affecting the human body such as causing hurt or injury, use of criminal force, kidnapping, sexual offences, as well as offences against property, including criminal trespass, mischief, and cheating, etc.

15. It is apparent from the statutory scheme that conviction is specifically required only in respect of certain offences under special enactments such as the Suppression of Immoral Traffic in Women and Girls Act, the U.P. Excise Act, the Public Gambling Act, and the Arms Act. However, in respect of offences under the IPC, the Act does not mandate prior conviction as a prerequisite for initiating proceedings.

16. It is further evident that the Act does not prescribe any fixed number of offences required to classify a person as a "Goonda," nor does it stipulate a specific time gap between offences for determining habituality. However, the Hon'ble Supreme Court in **Vijay Narain Singh** (supra), has held that for invoking the provisions of such preventive legislation, the person must be shown to be a habitual offender, and if offences are committed with a long time gap, the element of habituality may not be established.

17. It is apparent that this Court has consistently held that merely on the basis of one or two criminal cases, a person cannot be branded as a "Goonda". Such punitive action of the State causes irreparable damage to the reputation of such person and his family.

18. Since in the instant case also, the petitioner has been branded as "Goonda" on the basis of only two criminal cases registered against him, hence, the proceedings initiated under the Act of 1970 are unsustainable and liable to be quashed.

19. **Accordingly, the instant writ petition is allowed.** Consequently, the impugned

order dated 12.02.2025 and 02.06.2025 are quashed.

April 20, 2026
Himanshu

(Sandeep Jain,J.)