



2026:AHC-LKO:48488-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 6606 of 2026

Faishal Beg

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And 3
Others

.....Respondent(s)

Counsel for Petitioner(s)	: Sajjad Husain, Badar Iftikhar, Kulsoom Firoz
Counsel for Respondent(s)	: G.A.

AFR

Court No. - 9

**HON'BLE RAJESH SINGH CHAUHAN, J.
HON'BLE RAM MANOHAR NARAYAN MISHRA, J.**

1. Sri Sajjad Husain, learned counsel for the petitioner and Sri S.P. Singh, learned AGA for the State respondents
2. Sri Sajjad Husain has filed supplementary affidavit, same is taken record.
3. On the request of learned counsel for the parties, the case is decided at the admission stage.
4. By means of this petition, the petitioner has assailed the show cause notice dated 20.03.2026 passed by District Magistrate (Judicial), Unnao, under Section 3 of The Uttar Pradesh Control of Goondas Act, 1970.
5. On being asked from the learned counsel for the petitioner as to where he has indicated the date of service of the show cause notice dated 20.03.2026, learned counsel for the petitioner has stated that he has not indicated this fact anywhere in the writ petition. On being further asked to the effect that as to whether he has filed explanation to the show cause notice, learned counsel for the petitioner has stated that no explanation to the show cause notice has been filed by the petitioner for the reason that

the show cause notice is without jurisdictional notice and has been issued in contravention of Rule 3 of The Uttar Pradesh Control of Goondas Rule, 1970 as well as in utter disregard of the order of Full Bench of this Court **In Re : Ramji Pandey versus State of Uttar Pradesh and Others, reported in 1981 SCC Online All 305.**

6. So as to buttress his contention, Sri Sajjad Husain, learned counsel, has referred para 22 of the aforesaid order of Full Bench by submitting that if the impugned notice does not contain any allegation and only the reference of FIR has been given, such notice would be a nullity in the eyes of law. Regarding Rule 3 of the Rules, 1970 attention has been drawn towards supplementary affidavit, showing Annexure No. S.A.-1, which is information letter, under Report Chalani, under Section 3/4 of Act, the same has been sent to District Magistrate, Unnao by the S.H.O., P.S.-Safipur, Unnao through Superintendent of Police, Unnao, apprising the criminal antecedent and activities of the petitioner.

7. Learned counsel for the petitioner has stated that as per Rule 3(1), it has been mandated that action under sub-section (1) of Section 3 will not ordinarily be taken by the District Magistrate except on information in writing, received from the Superintendent of Police or the Magistrate-in-charge of the sub-division or on information in writing received from two respectable citizens of the locality. In the present case, such information has been given by SHO, Police Station, Safipur, Unnao to the District Magistrate, Unnao, (Annexure No. SA-1 of the second supplementary affidavit)

8. Learned AGA has opposed the aforesaid contention of the learned counsel for the petitioner and has stated that impugned notice has been given strictly in accordance with law and the dictum of Full Bench **In re : Ramji Pandey (supra)** has been followed in its letter and spirit.

9. Having heard learned counsel for the parties, perused the material available on record and considering the fact that the petitioner has filed the present writ petition after lapse of about 100 days from the date of issuance of the impugned show cause notice and date of service of notice has not been indicated in the writ petition so this is one of the reasons

showing the lack of alertness and seriousness of the petitioner to challenge the impugned show cause notice. If the impugned show cause notice has not been challenged before this Court or before any other competent authority for more than 100 days, then, prima facie, it appears that the petitioner was not actually aggrieved to challenge this notice.

10. So far as Rule 3(1) of the Rules, 1970 is concerned, the information regarding criminal antecedents of the petitioner has been given by the SHO, Kotwali, Safipur, Unnao through Superintendent of Police, Unnao which has been indicated on such letter dated 19/10/2025 (Annexure No. S.A.-1 of the second Supplementary Affidavit).

11. Undisputedly, the Superintendent of Police concerned may submit a report to the District Magistrate as per Rule 3(1) of the Rules, 1970. Besides, if two respectable persons of the locality may send application to the District Magistrate regarding criminal activity of any person, the District Magistrate concerned shall definitely seek report from the concerning police station through Superintendent of Police, otherwise, he could have not known and verified the criminal antecedents of a person against whom two respectable persons of the locality have lodged the complaint. Therefore, the letter so given by the SHO concerned through Superintendent of Police, Unnao addressing to the District Magistrate Unnao is in letter and spirit of Rule 3(1) of the Rules, 1970.

12. So far as the another argument of Sri Sajjad Husain is concerned that the impugned notice has been issued in disobedience of the direction being issued by the Full Bench **In Re: Ramji Pandey (supra)**, the perusal of the impugned notice dated 20/03/2026 clearly reveals in paragraphs 'Ka' and 'Kha' about the criminal act of the petitioner and his general bad reputation which is detrimental to the public at large and in Para 'Ga', the details of four cases have been indicated. The Full Bench **In re, Ramji Pandey**, has categorically observed that the case before the Full Bench was that the impugned notice was not containing the specific allegations rather the list of First Information Report was given, therefore, such impugned notice was set aside. However, the facts and circumstances of the present case are different from the case of Ramji Pandey (supra) and this is trite law that if the facts and circumstances of

the case in hand are different from the judgment cited, then it would not be applicable thereon.

13. Therefore, in view of what has been considered above, the present writ petition by means of which the impugned show cause notice dated 20/03/2026 has been assailed by filing writ petition on 30/06/2026 without explaining the date of service of the notice upon the petitioner is misconceived and liable to be dismissed in limine. Besides the mandate of Rule 3(1) of Rule, 1970 has been followed in its letter and spirit by issuing the impugned show cause notice and the direction being issued by the Full Bench of this Court In Re : Ramji Pandey has also been obeyed in its letter and spirit.

14. Accordingly, the writ petition is **dismissed being misconceived.**

15. No order as to costs.

(Ram Manohar Narayan Mishra,J.) (Rajesh Singh Chauhan,J.)
July 21, 2026
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