2026:AHC-LKO:44291

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. WRIT PETITION No. - 5363 of 2026

Rahul @ Rahul Saroj

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Nisha Srivastava
Counsel for Respondent(s)	:	G.A.

[A.F.R.]
Court No. - 14

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Ms. Nisha Srivastava, the learned counsel for the petitioner and Shri Vishal Agarwal, the learned AGA for the State.

2. By means of the instant petition, the petitioner has challenged the order dated 25.02.2026 passed by the Additional District Magistrate, Finance and Revenue, Amethi in Case No.730 of 2025 under Section 3/4 U.P. Control of Goondas Act, 1970 (which will hereinafter be referred to as 'the Goonda Act') whereby the petitioner has been declared to be a 'Goonda' on the basis of his involvement in the following two criminal cases: -

(i) Case Crime No.343 of 2021, under Sections 376/306 IPC, Police Station-Musafirkhana,

(ii) Case Crime No.57 of 2025, under Sections 115(2)/352/351/317(2) BNS, Police Station Musafirkhana.

The order also mentions two beat information reports dated 13.04.2025 and 14.04.2025 and a prohibitory report dated 14.04.2025.

3. The petitioner had challenged the aforesaid order by filing Appeal No.994 of 2026, under Section 6 of the Goonda Act, which was dismissed by means of an order dated 06.05.2026 passed by Commissioner, Ayodhya Division, Ayodhya and validity of the appellate order has also been challenged in this petition.

4. The learned counsel for the respondent submits that the involvement of the petitioner in one criminal case instituted in the year 2021 and another

criminal case instituted in the year 2025, does not establish that the petitioner is a habitual offender. She has relied upon the judgments rendered by two different coordinate Benches of this Court in the cases of **Parvindra v. State of U.P.**: 2020 SCC OnLine ALL 51 and **Bharat Singh v. State of U.P. and 3 Ors.**: 2023:AHC:171107.

5. The word 'Goonda' is defined in Section 2(b) of the Goonda Act, as follows: -

> "*(b)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 offence 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."*

6. In **Imran Alias Abdul Quddus Khan vs State Of U.P. And Ors.;** 1999 SCC OnLine All 1636, a Division Bench of this Court held that:-

> "*11. Ex facie, **a person is termed as a 'goonda' if he is a habitual criminal**. The provisions of Section 2(b) of the Act are almost akin to the expression 'anti social element' occurring in Section 2(d) of Bihar Prevention of Crimes Act, 1981. In the context of the expression 'anti social element' the connotation 'habitually commits' came to be interpreted by the apex Court in the case of Vijay Narain Singh v. State of Bihar, (1984) 3 SCC 14. The meaning put to the aforesaid expression by the apex Court would squarely apply to the expression used in the Act, in question. The majority view was that **the word '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 referred to in each of the said sub-clauses or an aggregate of similar acts or omissions**. Even the*

minority view which was taken in Vijay Narain's case (supra) was that the word 'habitually' means 'by force of habit'. It is the force of habit inherent or latent in an individual with a criminal instinct with a criminal disposition of mind, that makes a person accustomed to lead a life of crime posing danger to the society in general. If a person with criminal tendencies consistently or persistently or repeatedly commits or attempts to commit or abets the commission of offences punishable under the specified chapters of the Code, he should be considered to be a 'anti social element'. There are thus two views with regard to the expression 'habitually' flowing from the decision of Vijay Narain's case (supra). The majority was inclined to give a restricted meaning to the word 'habitually' as denoting 'repetitive' and that on the basis of a single act cannot be said to be forming the habit of the person. That is to say, the act complained of must be repeated more than once and be inherent in his nature. The minority view is that a person in habitual criminal who by force of habit or inward disposition inherent or latent in him has grown accustomed to lead a life or crime. In simple language, the minority view was expressed that the word 'habitually' means 'by force of habit'. The minority view is based on the meaning given in Stroud's Judicial Dictionary, Fourth Ed. Vol. II-1204 - ***habitually requires a continuance and permanence of some tendency, something that has developed into a propensity, that is, present from day to day. Thus, the word 'habitual' connotes some degree of frequency and continuity****.*

12. The word 'habit' has a clear, well understood meaning being nearly the same as 'accustomed' and cannot be applied to a single act. When we speak of habit of a person, we prefer to his customary conduct to pursue, which he has acquired a tendency from frequent repetitions. In B.N. Singh v. State of U.P., AIR 1960 All 754 it was observed that it would be incorrect to say that a person has a habit of anything from a single act. In the Law Lexicon - Encyclopedic Law Dictionary, 1997 Ed. by P. Ramanatha Aiyer, the expression 'habitual' has been defined to mean as constant, customary and addicted to a specified habit; formed or acquired by or resutling from habit; frequent use or custom formed by repeated impressions. The term 'habitual criminal', it is stated may be applied to any one, who has been previously more than twice convicted of crime, sentenced and committed to prison. ***The word 'habit' means persistence in doing an act, a fact, which is capable of proof by adducing evidence of the commission of a number of similar acts. 'Habitually' must be taken to mean repeatedly or persistently. It does not refer to frequency of the occasions but rather to the invariability of the practice.***

13. The expression 'habitual criminal' is the same thing as the 'habitual offender' within the meaning of Section 110 of the Code of Criminal Procedure, 1973. This preventive Section deals for requiring security for good behaviour from 'habitual offenders'. The expression 'habitually' in the aforesaid section has been used in the sense of depravity of character as evidenced by frequent repetition or commission of offence. It means. repetition or persistency in doing an act and not an inclination by nature, that is,

commission of same acts in the past and readiness to commit them again where there is an opportunity.

14. Expressions like 'by habit' 'habitual' 'desperate' 'dangerous' and 'hazardous' cannot be flung in the face of a man with laxity or semanitics. ***The Court must insist on specificity of facts and a consistent course of conduct convincingly enough to draw the rigourous inference that by confirmed habit, the petitioner is sure to commit the offence if not externed or say directed to take himself out of the district.*** *It is not a case where the petitioner has ever involved himself in committing the crime or has adopted crime as his profession. There is not even faint or feeble material against the petitioner that he is a person of a criminal propensity. The case of the petitioner does not come in either of the clauses of Section 2(b) of the Act, which defines the expression 'Goonda'. Therefore, to outright label a bona fide student as 'goonda' was not only arbitrary capricious and unjustified but also counter productive. A bona fide student who is pursuing his studies in the Post Graduate course and has never seen the world of the criminals is now being forced to enter the arena.* ***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 for personal reasons cannot be convicted for the offences said to have been committed by them. 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 students. The 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'. If the provisions of the Act are recklessly used without adopting caution and descretion, it may easily become an engine of operession. Its provisions are not intended to secure indirectly a conviction in case where a prosecution for a substantial offence is likely to fail. Similarly the Act should not obviously be used against mere innocent people or to march over the opponents who are taking recourse to democractic process to get their certain demands fulfilled or to wreck the private vengeance'"***

(emphasis added)

7. In **Shankar Ji Shukla v. Ayuqt Allahabad Mandal and Ors**: (2005) 52 ACC 633, this Court has relied upon the decision in the case of **Imran Alias Abdul Quddus Khan** (Supra) as well as the judgment of the Hon'ble Supreme Court in the case of **Vijai Narayan Singh v. State of Bihar,** (1984) 3 SCC page 14 and held that a single 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.

8. A coordinate Bench of this Court in the case of **Lalani Pandey @ Vijay Shankar Pandey v. State of U.P.**: 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'***.

9. In **Pavan v. State of U.P.**: 2021 SCC OnLine All 231, a coordinate Bench of this Court held that: -

> "*7. Considering the scheme and object of the Act of 1970, an order of externment cannot be compared to a preventive detention under the National Security Act, 1980, which may cast no stigma, or be explained consistent with a person's upright character. Once a person is proceeded with against under the Act of 1970, and externed under Section 3(3), classifying him as a goonda, the order is certainly stigmatic. It is for this reason also that an order of externment envisages provision of opportunity to show cause, under Section 3(2). This is not to say that the provision for opportunity is engrafted in the Statute, for the reason alone of its stigmatic effect; it is also there because an order of externment is a serious inroad on a citizen's liberty.*
>
> *8. ... This Court must remark that the petitioner is not a convict so far, and every man has a right to his reputation and good name in society. Every person is presumed to be an honourable and respectable man, unless that presumption is dislodged in accordance with law. Therefore, dubbing some citizen as a goonda and externing him under the Act of 1970, is an act that would afford a cause of action to the person who suffers that order, which enures beyond its physical consequences. In the opinion of this Court, it would not be a sound legal proposition to say that a man may suffer the slur of being called a goonda, because he could not bring the order of externment passed against him to test within the term of its life. In the opinion of this Court, the petitioner is entitled to question the externment order, notwithstanding that order outrunning its life.*
>
> *9. The right to one's reputation is now unquestionably regarded as a facet of the Right to Life, guaranteed under Article 21 of the Constitution. The horizon of the right guaranteed under Article 21 has been given its true meaning and content over the years that our polity has flourished under the constitutional umbrella. Right to*

Life has long been expanded to mean immensely more than mere physical, animal or biological existence. It has been interpreted by the Supreme Court and the High Courts over the years, to bring within its fold, all that it means and requires to elevate the mere physical existence of an individual to the position of a human being, who has all opportunity and facility to realise his potential to its fullest. In the quest to realise the wholesome guarantee of life in its varied facets, the right to one's reputation has been regarded as an inseperable part.

* * *

14. In the context of how the Right to Reputation is viewed by the law, it would be almost preposterous to suggest that the physical consequences of an externment order having come to an end, no cause of action survives to the petitioner to assail it. An externment order, under the Act of 1970, has clearly two facets. One is that which relates to the tangible consequence of forbidding the person proceeded with against, from entering the district for a certain period of time. This consequence of the externment order is indeed preventive in nature, and, may be, of immense importance in a given case to the maintenance of public order. So far as the person against whom the order of externment is made is concerned, it certainly does curtail his liberty, by preventing his movement in a defined territory. But, the inconvenience stemming from the abridgment of liberty, that comes in the wake of an externment order, prohibiting entry in the district, is of trivial consequence to the one externed, if this consequence were to be weighed against the harm that it brings to the individual's reputation.

15. The order of externment proceeds on an innate declaration that the person externed is a goonda. A goonda has been defined under the Act of 1970, and otherwise also, has an understandable connotation in ordinary parlance. A goonda is the anti-thesis of what a respectable or honourable man is. An externment order, which, thus, works as an innate declaration about the man externed being a goonda, is irreversibly ruinous of his reputation. It has been said time over again that reputation once lost can never been redeemed. The physical consequences of an externment order that last only for a period of six months, with the limited effect of abridgment of some liberty, are trivial when compared to the timeless consequence of ruining a reputation, that can perhaps never be regained…"

10. In the case of **Govardhan v. State of U.P.**: 2023 SCC OnLine All 780, a Division Bench of this Court 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 added)

11. The aforesaid judgments have been followed by a coordinate Bench of this Court in **Satendra v. State of U.P.**: 2026 SCC OnLine All 3129.

12. In **Bharat Singh v. State of UP**: 2023:AHC:171107, a Coordinate Bench of this Court held that: -

> "*6. It is to note that for the act of the accused to come under the definition of Goonda there must be material to show that the accused was a habitual offender and committed the offence as aforesaid repeatedly and his general reputation is desperate and dangerous to the community or he habitually passes indecent remarks on women or girls. It is also to note that* ***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****. The material on record must also show that the accused-person was a habitual offender and he committed the offences under Chapter 16, 17 and 22 of the Indian Penal Code."*

(emphasis added)

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. Involvement of the petitioner in two criminal cases - one instituted in the year 2021 and the other instituted in the year 2025, does not establish that he is a habitual offender. The petitioner is already facing prosecution for the two criminal cases in which he is involved and it is not that the petitioner cannot be dealt with under the ordinary penal law. There is no allegation that the petitioner is a threat to maintenance of public order. The learned Additional District Magistrate has declared the petitioner to be 'a Goonda' merely on the basis of his involvement in two cases.

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.

16. Accordingly, I am of the view that the impugned order dated 25.02.2026

passed by the Additional District Magistrate, Finance and Revenue, Amethi, declaring the petitioner to be 'Goonda' is not sustainable in law and the order dated 06.05.2026 passed by Commissioner, Ayodhya Division, Ayodhya affirming the said order is also not sustainable in law.

17. Accordingly, the writ petition is **allowed**. The order dated 25.02.2026 passed by the Additional District Magistrate, Finance and Revenue, Amethi in Case No.730 of 2025 under Section 3/4 U.P. Control of Goondas Act, 1970 and the order dated 06.05.2026 passed by the Commissioner, Ayodhya Division, Ayodhya are hereby **quashed**.

July 8, 2026
-Amit K-

(Subhash Vidyarthi,J.)

Whether the judgment is speaking – Yes/~~No~~
Whether the judgment is speaking – Yes/~~No~~

(Subhash Vidyarthi,J.)

Digitally signed by :-
AMIT KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench