

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 25<sup>th</sup> OF JULY, 2024

WRIT PETITION No. 19267 of 2024

*MAJID KHAN*

*Versus*

***THE STATE OF MADHYA PRADESH AND OTHERS***

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**Appearance:**

*Shri Sandeep Koshta – Advocate for petitioner.*

*Shri Mohan Sausarkar – Government Advocate for respondents/State.*

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**ORDER**

This petition under Article 226 of Constitution of India has been filed seeking the following reliefs:

- I. Issue a writ in the nature of mandamus directing the Respondents to issue gun license in favour of petitioner as soon as possible.
  - II. Issue a writ in the nature of certiorari to quash the impugned order dated 06.11.2019 passed by the Respondent No.3 vide Annexure P/2 and impugned order dated 15.07.2021 passed by the Respondent No.2 vide Annexure P/4.
  - III. Issue any other writ, order or direction as this Hon'ble Court deems fit.
2. It is submitted by counsel for petitioner that petitioner was having an arm license which was valid up to 31.12.2019. In the meanwhile,

Crime No.95/2018 and Crime No.277/2019 were registered against petitioner for offence under Sections 294, 323, 506, 34 of IPC and under Sections 341, 294, 323, 506, 34 of IPC respectively. On account of registration of offences, the competent authority i.e. District Magistrate, Bhopal came to a conclusion that since petitioner is involved in criminal activities, therefore, for the time being, the continuation of arm license will not be in the interest of general public and public peace and accordingly, the same was cancelled. This order was passed by the District Magistrate, Bhopal on 06.11.2019.

3. Being aggrieved by the said order, petitioner preferred an appeal before Commissioner, Bhopal Division, Bhopal and by order dated 15.07.2021 the said appeal has been rejected. Furthermore, the appeal was filed belatedly and the explanation given by petitioner that he was not aware of the order dated 06.11.2019 cannot be accepted.

4. Challenging the order passed by the Courts below, it is submitted by counsel for petitioner that it is well established principle of law that an arm license cannot be cancelled merely on the registration of criminal offence and unless and until a satisfaction is recorded by the competent authority the license cannot be suspended or cancelled. To buttress his contentions, counsel for petitioner has also relied upon the judgment passed by a coordinate Bench of this Court in the case **Mohd. Haroon vs. State of M.P. and others** decided on **27.09.2022** in **W.P. No.3710/2021**.

5. *Per contra*, the petition is vehemently opposed by counsel for State. By relying upon the judgment passed by a Division Bench of this Court in the case of **Suneel Kumar Singh vs. State of M.P. and others** decided on **11.05.2022** in **W.A. No.480/2021**, it is submitted that where

the licensing authority deems it necessary for security of public peace or public safety, then he can refuse to grant such license.

6. Heard learned counsel for parties.

7. It is submitted by counsel for petitioner that trial arising out of Crime No.95/2018 and Crime No.277/2019 are still pending. Although petitioner tried to address this Court on merits of the criminal cases which were registered against him but the counsel for petitioner is neither in possession of the charge sheet/FIR of the aforesaid crime numbers nor in possession of any other document from which he can develop his arguments that offences are not a threat to the public safety or public peace.

8. Be that whatever it may be.

9. The coordinate Bench of this Court in the case of **Mohd. Haroon (supra)** has held as under:

“12. On perusal of the impugned order, it can be seen that the licence has been suspended on the ground of the pendency of criminal case against the petitioner. The crux of the matter is that whether the petitioner has a right to possess the fire arm. The scheme of the Act discloses that grant of arms licence is a privilege extended by the State to the petitioner concerned. In the impugned order, the licensing authority has not recorded any satisfaction for suspending the licence. Merely due to registration of the case, the licence cannot be suspended. Nothing is on record to show that the public safety affecting public tranquility or going to be affected because of the petitioner.”

10. From plain reading of the aforesaid paragraph, it is clear that order thereby suspending the license was quashed on the ground that the same was passed merely on the ground of registration of a criminal case but no satisfaction was recorded with regard to possible threat to public peace or public safety. However, in the present case, the licensing

authority/District Magistrate, Bhopal has specifically recorded that since the petitioner is involved in criminal activity and two cases have been registered against him, therefore, there is a possible threat to public safety and public peace. How this satisfaction is incorrect could not be explained by counsel for petitioner. Even no arguments were advanced with regard to satisfaction recorded by licensing authority. Furthermore, according to the petitioner, the criminal cases which were registered against him are still pending.

11. There is another aspect of the matter. The arm license was cancelled by order dated 06.11.2019 whereas he approached the appellate authority after 19 months. Furthermore, the appeal was dismissed by order dated 15.07.2021 whereas the present petition has been filed on 12.07.2024. Thus, it is clear that even otherwise petitioner has no threat to his life.

12. The Division Bench of this Court in the case of **Suneel Kumar Singh (supra)** has held that if aspirant has no threat from any person or group of persons, then he does not qualify for grant of license.

13. Under these circumstances, in absence of any challenge to satisfaction recorded by licensing authority coupled with the fact that order by which licence was cancelled has been challenged by petitioner before this Court after three years whereas the appeal was filed after 1 and ½ year, this Court is of considered opinion that no case is made out for interfering in the matter.

14. The petition fails and is hereby **dismissed**.

(G.S. AHLUWALIA)  
JUDGE