



2026:AHK-LKO:21316

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 2120 of 2026

Meva Lal

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	:	Anil Kumar Tiwari
Counsel for Respondent(s)	:	C.S.C.

Court No. - 8

HON'BLE JASPREET SINGH, J.

1. Heard learned counsel for the petitioner and Sri S.K Khare learned Additional Chief Standing counsel for the State respondent who has filed counter affidavit on behalf of the State respondent in terms of earlier order dated 11.03.2026, which is taken on record. Learned counsel for the petitioner has also filed his rejoinder affidavit and the same is also taken on record. Since, the parties have exchanged their pleadings, hence with their consent the writ petition is being heard finally at the admission stage.

2. By means of the present writ petition, the petitioner has assailed the order dated 29.06.2022 passed by the District Magistrate, Ayodhya herein whereby the petitioner's arms licence No.475/Police Station Kotwali Ayodhya, SBBL Gun No.00241 was cancelled. The appellate order dated 12.12.2025 passed by the Commissioner of Mandal Ayodhya District Ayodhya affirming the same, is also under challenge.

3. The case of the petitioner is that his arms licence was cancelled under Sections 17(3) Indian Arms Act, 1959 on the ground that a criminal case was registered against him at Police Station-Kotwali Ayodhya. A report was submitted by the police and a case was registered bearing Case Crime No.88 of 2021 at Police Station Kotwali Ayodhya, District Ayodhya wherein chargesheet has been filed and the petitioner is on bail in the same case vide order dated 17.11.2021.

4. It is further submitted that the petitioner denied the allegations and stated that they are false. In the case bearing Case Crime No.88 of 2021 at Police Station Kotwali Ayodhya, District Ayodhya, a chargesheet had been filed and the petitioner is on bail and this cannot be a ground for cancellation of arm's licence since there is no allegation for use arm license. The petitioner has no motive or intention to commit the crime

with the aid of his fire arm. However, the licence was cancelled on 29.06.2022.

5. Being aggrieved, the petitioner thereafter preferred an appeal before the Commissioner under Section 18 of the Arms Act, registered as Appeal No.1106 of 2022, Computerized No.C202204000001106, however, the same was dismissed on 12.12.2025.

6. The learned Standing Counsel while opposing the submissions has urged that since the petitioner was involved in a criminal case and was a threat to the public peace and order and now in the aforesaid circumstances, the license was cancelled which cannot be termed to be arbitrary and accordingly the petition deserves to be dismissed. Hence, the licence has been rightly cancelled and so also the dismissal of the appeal and the aforesaid findings are findings of fact, which do not require any interference.

7. Before advertng to the respective contentions, it will be relevant to notice the dictum as held in the case of **Mewa Lal & Kunnu Vs. Commissioner, Allahabad Division, Allahabad and another reported in 2014 (32) LCD page 576** wherein this Court by referring to an earlier decision in the case of **Rajendra Singh v. Commissioner, Lucknow Division, Lucknow; 2011 (29) LCD page 1045** has culled out the meaning of the word public peace and public safety and the relevant portion of the aforesaid report of **Mewa Lal** (supra) reads as under:-

"In the case of Rajendra Singh vs. Commissioner, Lucknow Division, Lucknow and others, reported in 2011 (29) LCD 1041 'Public Peace' or 'Public Safety' has been defined. The relevant paras 6 & 7 read as under:

6. 'Public peace' or 'public safety' do not mean ordinary disturbance of law and order public safety means safety of the public at large and not safety of few persons only. Before passing of the order in exercise of power conferred under Section 17(3) of the Act the Licensing Authority is under an obligation to apply his mind to the question as to whether there was eminent danger to public peace and safety involved in the case.

7.It is well settled in law that mere pendency of criminal case or apprehension of abuse of arms act are not sufficient grounds for passing the order of suspension or revocation of licence under Section 17 (3) of the Act. The question as to whether mere involvement in a criminal case or pendency of a criminal case can be a ground for revocation of licence under Arms Act, has been dealt with by a Division Bench of this Court Sheo Prasad Misra Vs. The District Magistrate, Basti & others, wherein the Division Bench relying upon the earlier decision of Masiuddin Vs. Commissioner, Allahabad, found that mere involvement in criminal case cannot in any way affect the public security or public interest. The law propounded in the said decisions has been subsequently followed in Habib Vs. State of U.P. reported in 2002 ACC 783."

8. In the case of **Ram Charan V. State of U.P. and others; 2018 (36) LCD 1178**, this Court noticing the distinction between the concept of public order and breach of law, by relying upon the earlier decisions of the Apex Court and this Court in paragraphs 11 to 18, have considered the requisite which is required to be noticed while considering an application for grant or revocation of an arms license. The relevant paras read as under:-

"11. The distinction between the concept of public order and that of law and order has been adverted to by the Apex Court in a catena of decisions. The question whether a man has only committed a breach of law and order or acted in a manner leading to disturbance of public order is a question of degree of the reach of the act upon society is no more res integra. In the case reported in AIR 1966 SC 740, Dr Ram Manohar Lohia v. State of Bihar it was observed that the contravention 'of law' always affects 'order' but before it could be said to affect 'public order', it must affect the community or the public at large. One has to imagine three concentric circles, the largest representing "law and order", the next representing "public order" and the smallest representing "security of State". An act may affect "law and order" but not "public order", just as an act may affect "public order" but not "security of the State".

*12. The principles settled way back in the year 1966 in the case of **Dr. Ram Manohar Lohia** (Supra) has been repeatedly quoted with respect and approval.*

*13. In 1998 (16) LCD 905, **Ram Murti Madhukar Vs. District Magistrate, Sitapur**, in paragraph 8 & 9 of the said report this Court has held as follows:-*

"8. It is also well settled in law that mere pendency of criminal case or apprehension of abuse of Arms Act, are not sufficient ground for passing of the order of suspension or revocation of licence under Section 17 of the Act. A reference in this regard may be made to the decisions of this Court in Ganesh Chandra Bhatt v. D.M. Almora (AIR 1993 Allahabad-291).

9. It is also well settled in law that before passing of the order of suspension or revocation, under clause (b) of sub section (3) of Section 13 of the Act, the licensing authority must apply its mind to the question as to whether there was eminent danger to public peace and safety involved in the case. Licence cannot be suspended or revoked on the ground of 'Jan Hit'."

*14. In 2002 (44) ACC 783, **Habib Vs. State of U.P. & Ors.** in paragraph 3 & 4 of the said report it has been held as follows:-*

"3. The question as to whether mere involvement in a criminal case or pendency of a criminal case can be a ground for revocation of the licence under Arms Act, has been dealt with by a Division Bench of this Court reported in Sheo Prasad Misra v. The District Magistrate, Basti and others, wherein the Division Bench relying upon the earlier decision reported in Masi Uddin v. Commissioner, Allahabad, found that mere involvement in criminal case cannot in any way affect the public security or

public interest and the order cancelling or revoking the licence of firearm has been set aside. The present impugned orders also suffer from the same infirmity as was pointed out by the Division Bench in abovementioned cases. I am in full agreement with the view taken by the Division Bench that these orders cannot be sustained and deserve to be quashed and are hereby quashed.

4. There is yet another reason that during the pendency of the present writ petition, the petitioner has been acquitted from the aforesaid criminal cases and at present there is neither any case pending, nor any conviction has been attributed to the petitioner, as is evident from Annexure SA-1 and II to the supplementary affidavit filed by the petitioner. In this view of the matter, the petitioner is entitled to have the fire-arm licence. It is submitted by petitioner's counsel that the petitioner has been acquitted of the charges."

15. In 2009 (10) ADJ 635, Ashiq Hussain Vs. Commissioner, Moradabad & Ors., in paragraph 6 of the report it has been held as under:

"6. The mere involvement in a solitary criminal case cannot be a ground for cancellation of a firearm license as held by this Court in case of Mohd. Haroon Vs. The District Magistrate, Siddharth Nagar reported in 2003 (1) ACJ 124, unless and until it is shown on the basis of material on record that there was grave danger to public law and order. In the instant case it is only a solitary incident, which was not arising out of any disturbance of public law and order, that has been made the basis for ordering cancellation."

16. In 2011 (29) LCD 1045, Rama Kushwaha Vs. State of U.P. & Ors., a Single Judge of this Court in paragraph 10 & 11 of the said report has held as follows:-

"10. In Ram Murli Madhukar Vs. District Magistrate, Sitapur [1998(16) LCD 905], this Court has held that licence can not be suspended or revoked on the ground of public interest (Janhit).

11. It is well settled in law that mere pendency of criminal case or apprehension of abuse of arms act are not sufficient grounds for passing the order of suspension or revocation of licence under Section 17 (3) of the Act. The question as to whether mere involvement in a criminal case or pendency of a criminal case can be a ground for revocation of licence under Arms Act, has been dealt with by a Division Bench of this Court Sheo Prasad Misra Vs. The District Magistrate, Basti & others, wherein the Division Bench relying upon the earlier decision of Masiuddin Vs. Commissioner, Allahabad, found that mere involvement in criminal case cannot in any way affect the public security or public interest. The law propounded in the said decisions has been subsequently followed in Habib Vs. State of U.P. Reported in 2002 ACC 783, Ram Sanahi Vs. Commissioner, Devi Patan Division, Gonda & another."

17. In 2011 (29) LCD 829, *Hiramani Singh Vs. State of U.P. & Ors.* it was held as under:-

"8. This Court in the case of Ashok Rao v. State of U.P. and others, reported in 2010 (68) ACC 441 while considering the authority to be exercised under Section 17 of the Indian Arms Act has taken the view that mere pendency of criminal case cannot be ground for cancellation of firearm license unless and until finding is returned by the authority concerned that possession of firearm has the tendency of threatening public peace and public safety."

18. In 1994 (12) LCD 1109, *Anil Kumar Singh Vs. Distt. Magistrate, Pratapgarh*, in paragraph no. 6 of the said report it has been held as follows:-

"6. ...Therefore, it is clear that at the time of passing the order dated 6-2-79 by the Commissioner, there was no ground on which the gun licence of the petitioner could have been cancelled. Both the grounds were wiped off before passing of the order of the learned Commissioner and the learned Commissioner could not have passed this order unless there was some fresh material against the petitioner be that date. In this connection it will be useful to refer to the case of Ram Bodh Singh v. State of U.P. & others, 1985 (11) Allahabad Law Reports, 114, in which it has been held that once petitioner was acquitted those cases could not furnish material for cancellation of his licence. Therefore, on the date on which the Commissioner passed his licence. Therefore, on the date on which the Commissioner passed his order, it cannot be said that the cancellation of licence was in the public interest and this fact could not be substantiated by the State."

9. From a perusal of the chargesheet, it would indicate that the arraignment of the petitioner is in respect of Sections 452, 506, 504, 323 IPC and 3(2)(v) SC ST Act, however, there is nothing which indicates that the alleged offence was committed by the petitioner with the aid of his fire arm.

10. Upon consideration of the record, it prima facie appears that the Licensing Authority as well as the Appellate Authority did not advert to the effect whether the reasons recorded for cancellation were sustainable in law as noticed above. If it is applied in the instant case, it would reveal that the orders dated 29.06.2022 and 12.12.2025, reflects patent non-application of mind.

11. This Court is of the opinion that mere apprehension cannot partake the nature of objective satisfaction that grant of an arms license to the petitioner would lead to breach or danger to public peace and public safety.

12. Accordingly, the writ petition is allowed. The orders dated 29.06.2022 and 12.12.2025 are hereby quashed. The matter is remitted to the

Licensing Authority to reconsider the case of the petitioner afresh in light of the law discussed hereinabove, in accordance with law, after affording due opportunity of hearing to the petitioner.

13. No order as to costs.

(Jaspreet Singh,J.)

March 25, 2026
Harshita