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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9215/2014

LALIT MAGGO

..... Petitioner

Through: Mr. Vineet Bahl, Adv.

versus

THE STATE (GOVT. OF NCT DELHI)

..... Respondent

Through: Mr. Satyakam, ASC, GNCTD

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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27.05.2016

The present writ petition has been filed challenging the order dated 20th August, 2014 passed by the Lieutenant Governor whereby the petitioner's appeal challenging the order dated 14th March, 2014 passed by the Additional Commissioner of Police, Licensing Unit, was dismissed.

The relevant portion of the order dated 20th August, 2014 as well as the order dated 14th March, 2014 passed by the Additional Commissioner of Police, Licensing Unit is reproduced hereinbelow:-

A. Order dated 20th August, 2014

“After hearing both the parties, including the appellant and careful perusal of documents on record, I am of the opinion that the Licensing Authority after considering all aspects of the matter has passed a fair order and I find no reason to interfere with it. The appeal is, therefore, rejected.”

B. Order dated 14th March, 2014

“A Show Cause Notice vide No. 80071-74/Addl. CP/Lic./Arms/SCN (WD) dated 27.11.2013 was issued to you, Sh. Lalit Maggo, S/o Sh. Harbans Lal Maggo, R/o H.No. D-9/B, Moti Nagar, New Delhi-110015 for cancellation of your arms licence No. WDMN/10/1993/96, endorsed with .12 Bore DBBL Gun No. 0272-05 and .32 Bore NPB Revolver No. A-5403, with area validity of Delhi only, valid upto 25.10.2013 on the grounds that on 28.10.2013, you have approached this office for renewal of your arms license. During the process, it has been found that you were involved in case FIR No. 282/2013 u/s 323/382/342/506/34 IPC & Section 30 of Arms Act PS Moti Nagar, New Delhi. The FIR of the said case was quashed by the Hon’ble Delhi High Court on 12.09.2013 on compromise with the other party and a cost of Rs. 25,000/- was imposed to be deposited by you with the Prime Minister’s National Relief Fund to be utilized for rehabilitation of victims of Uttarakhand calamity. You also did not intimate this office about the same and thus concealed the facts, which is in violation of provisions of Arms Act, 1959 and terms and conditions for possession of an arms license.

Your have submitted your reply on 12.02.2014. You have also been heard in person on 10.03.2014. In your reply and during personal hearing you stated that in the said case, the FIR has been quashed by Hon’ble High Court. However, on perusal of the court order dated 12.09.2013, it is not a clear cut acquittal, as the FIR has been quashed on the grounds that you have settled the matter with the complainant and the Hon’ble High Court has quashed the FIR subject to cost of Rs. 25,000/- to be deposited by the you with the Prime Minister’s Relief Fund. Further, in the status report filed by SHO Moti Nagar, it is mentioned that the complainant has stated that you along with other co-accused started beating the complainant with fists and blows and you also threatened the complainant by showing towards your pistol to kill him. It has also been mentioned in the status report

by SHO/Moti Nagar that you were also previously involved in 3 Criminal Cases and as such strongly opposed for your bail. From the above facts, it is clearly understood that you are a short temper person and indulge in quarrel with the other persons by threatening with the Licensed weapon. Further, you failed to intimate to this office about your involvement in the criminal case which is violation of provisions of Arms Act, 1959. As such, considering the totality of the circumstances, it is considered that you are not a fit person to hold the arms licence in the interest of public safety at large.

In view of all the facts and totality of circumstances, I, Dr. A.K. Singh, Addl. Commissioner of Police, Licensing, Delhi by virtue of powers conferred upon me under section 17(3) of Arms Act 1959, confirm the Show Cause Notice issued to you Sh. Lalit Maggo, S/o. Sh. Harbans Lal Maggo, R/o H.No. D-9/B, Moti Nagar, New Delhi-110015 vide No. 80071-74/Addl. CP/Lic./Arms/SCN (WD) dated 27.11.2013 and cancel your arms license No. WDMN/10/1993/96 with immediate effect. If you so desire, you may file an appeal before the Hon'ble Court of LG, Delhi against the order within 30 days."

Learned counsel for the petitioner states that though three criminal cases had been filed against the petitioner, yet the said cases cannot be used to deny or cancel the petitioner's arms licence as the petitioner had been framed in the said cases. Learned counsel for petitioner emphasises that petitioner has been acquitted in all the three cases.

A Coordinate Bench of this Court in ***Jagan Vs. Jt. Commissioner of Police, W.P.(C) No.7483/2015*** has held that assessment by the Licensing Authority is an assessment of fact as to the suitability of a person to hold an arms licence and which

assessment of fact is ordinarily not to be interfered with in writ jurisdiction. It was also held in the said case that the law is that an arms licence is not a matter of right but a statutory privilege and of which the Licensing Authority is the absolute assessor.

Even an appeal being LPA 02/2016 filed against the said order, has been dismissed.

Since, in the present case, FIR 282/2013 had been lodged against the petitioner for allegedly causing hurt, theft, wrongful confinement as well as criminal intimation and the said FIR has been quashed on the basis of the compromise reached between the parties and that too, upon payment of Rs.25,000/- as costs by the petitioner to the Prime Minister's National Relief Fund to be utilized for the rehabilitation of victims of Uttarakhand calamity, this Court, does not find merit in the petitioner's contention that he had been framed in the said FIR. Moreover, as the petitioner had been involved in three previous criminal cases, this Court is in agreement with the opinion of the licensing authority as well as the Lieutenant Governor that the petitioner is not entitled to an arms license.

Consequently, the present writ petition is dismissed.

MANMOHAN, J

MAY 27, 2016
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