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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-7527 of 2019

Date of decision: May 15, 2019

Kulbir Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S. Bawa, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for directing respondents No.2 and 3, i.e. Deputy Commissioner-cum-District Magistrate, Amritsar and Senior Superintendent of Police, District Amritsar (Rural) respectively, to renew and release the Arms License of the petitioner.

Brief facts of the present case are that petitioner applied for renewal of the Arms License on 20.01.2017. His real brother, namely, Sukhwinder Singh got an FIR No.28 dated 15.02.2017 registered against him under Section 420 of the Indian Penal Code, 1860, at Police Station Kamboj, District Amritsar (Rural). Aggrieved against the registration of the above FIR, petitioner made a representation, which was enquired into by Superintendent of Police (Investigation), Tarn Taran and he found that allegations in the FIR were without any basis. Consequently, S.P. (Investigation) recommended for cancellation of the FIR, but the same was not accepted by learned Judicial Magistrate Ist Class, Amritsar (for short 'JMIC') and has been treated as a complaint case, vide order dated 10.07.2018. Despite the above factual position, petitioner again made

second application for renewal of his Arms License to respondent No.3, on 28.09.2018 (Annexure P-6), but no final decision was taken thereon. Aggrieved against inaction on the part of respondents, petitioner filed CRM-M-51398 of 2018, which was dismissed by this Court on 21.11.2018, being premature, while observing as under:-

“It is contended on behalf of the petitioner that the petitioner was found innocent by the police and cancellation report dated 10.7.2018 was presented. The complainant objected to the said report and the objection petition has been treated as a complaint vide order dated 7.8.2018. Thereafter, a second application dated 28.9.2018 has been filed for renewal of the arms licence, but the licence has not been renewed till date. From the aforementioned facts, it is apparent that no order has been passed rejecting the second application dated 28.9.2018 and thus, the petition is premature and the same is dismissed as such.”

It transpires that competent authority has not taken any final decision in the matter, yet again petitioner filed the present petition alleging that respondent No.3 has not recommended the case for renewal of his Arms License.

It deserves to be mentioned here that prior to passing of order dated 21.11.2018 also, respondent No.3 declined recommendation for renewal of Arms License of the petitioner, on 25.10.2017 and thus, the position is similar to passing of the order dated 21.11.2018. Concededly, no final decision has been taken by the competent authority-respondent No.2 for renewal of Arms License on the basis of applicaiton dated 28.09.2018, which was the subject matter of challenge before this Court in CRM-M-51398 of 2018. Meaning thereby, present petition is again premature as no final decision has been taken by the competent authority. Merely, that

respondent No.3 has not recommended the case for renewal of Arms License of petitioner will not again give him a fresh cause of action for filing the present petition.

In view of the above, this Court is left with no option except to dismiss the petition.

Ordered accordingly.

However, it is clarified that dismissal of present petition may not be construed as an expression of opinion on the merits of the case while considering claim of the petitioner for renewal of his Arms License by the competent authority.

(MAHABIR SINGH SINDHU)
JUDGE

May 15, 2019
mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **Yes**