

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

CRM-M-19464-2017

Reserved on: 18.01.2024

Pronounced on: 20.01.2024

2024: PHHC: 007556

GURDEEP SINGH KAHLON

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Arjunveer Sharma, Advocate, for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 482 CrPC, petitioner prays for quashing of the FIR No.59 dated 27.04.2016 registered under Section 30 of the Arms Act, 1959 at Police Station Jamalpur, Ludhiana and all other consequential proceedings arising therefrom.

2.1 FIR in question was lodged on the basis of complaint dated 07.03.2016 made by one Sushil Kumar to the Commissioner of Police, Ludhiana alleging therein that petitioner was issued an Arms license in August 2002 by Deputy Commissioner, Ludhiana, on which a DDBL of 12 bore gun was entered. Petitioner did not get the said license renewed after the expiry of its validity period in August 2011 and unauthorizedly retained the gun with him till 01.04.2014.

2.2 Enquiry was conducted and it was found that petitioner illegally retained the gun till 01.04.2014 and when the authorities

directed all the arms holders to submit their respective weapons before Parliamentary elections in 2014, then the petitioner submitted the gun in routine with the police station on 02.04.2014 and this way petitioner had committed an offence under Section 30 of the Arms Act. After necessary investigation, challan has already been filed.

3. Though the FIR is sought to be quashed on various grounds, but the short submission made before this Court by Id. counsel for the petitioner is that cognizance of the offence in question is barred by limitation, as offence under Section 30 of the Arms Act is punishable maximum with the sentence of 6 months and therefore, prosecution could not be launched after the period of one year.

4. Replying to the aforesaid contention, Id. State counsel submits that period of limitation will begin from the date of knowledge and therefore, FIR is well within limitation.

5. Heard.

6. Offence under Section 30 of the Arms Act is punishable with maximum sentence of 6 months. As per Section 468 CrPC, no Court can take cognizance of an offence after the expiry of period of limitation. It has further provided that period of limitation is one year, if the offence is punishable with imprisonment for a term not exceeding one year.

7. Section 469 CrPC further provides that period of limitation shall commence either from the date of offence or where the commission of the offence was not known to the person aggrieved by the offence or to any police officer, the first day on which such offence comes to the knowledge of such person or to any police officer, whichever is earlier.

8. In the present case, the offence under Section 30 of the Arms Act being punishable to up to 6 months imprisonment, therefore, no Court can take cognizance after the period of one year.

9. Admittedly Arms license of the petitioner expired in August 2011. Petitioner kept the gun with him till 1.4.2014, which was entered on the said license. However, it is conceded by the State in its reply that said gun was submitted in the police Station on 02.04.2014. Meaning thereby, at least on 02.04.2014 when the gun was submitted by the petitioner, the police had come to know about the offence as there is nothing in the reply as to at that time police inquired about the validity of the license on which the gun was entered and which gun was submitted in the police station.

10. In the aforesaid circumstances, the period of limitation shall start at the most from 02.04.2014 and thus limitation expired on 01.04.2015. However, FIR itself has been lodged on 27.04.2016 and evidently, the same is barred by limitation, as no Court can take cognizance beyond the period of limitation.

11. Consequently, present petition is allowed. FIR No.59 dated 27.04.2016 registered under Section 30 of the Arms Act, 1959 at Police Station Jamalpur, Ludhiana and all other consequential proceedings arising therefrom, are hereby quashed.

(DEEPAK GUPTA)
JUDGE

20.01.2024
Vivek

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| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |