



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 3356 of 2025

Imran Mustafa Khan Niyazi

vs.

The State of Maharashtra and another

Mr. Zishan Z. Haq, Advocate for petitioner.

Mr. J. Y. Ghurde, A.G.P. for respondent nos. 1 and 2.

CORAM :- ANIL S. KILOR and RAJ D. WAKODE, JJ.

DATE :- 9th MARCH, 2026.

P. C.

Heard the learned counsel for the parties.

2. In this writ petition, cancellation of the petitioner's license to possess and carry a handgun, revolver or pistol vide order dated 16.05.2025 is under challenge.

3. No doubt, the license came to be cancelled under Section 17(3)(b) of the Arms Act, 1959, after issuing a show cause notice to the petitioner calling upon to explain as to why his license should not be cancelled in light of N.C.R. No. 875/2024, registered on the complaint of his father under Sections 351 and 351(3) of the Bharatiya Nyaya Sanhita, 2023, dated 24.12.2024. However, once the father requested the concerned authority not to take cognizance of his complaint, the complaint was registered as a non-cognizable report (NCR), a question that arises is whether reliance on such a complaint is sufficient to conclude that, it is necessary to revoke the license for the security of public peace or public safety,

4. Admittedly, to answer the aforesaid question, it is important to note that the complaint was registered as a non-cognizable report (NCR). Moreover, the father has informed the authorities that he does not want to pursue the said complaint. It was also the stand taken by the petitioner in his reply that, on the basis of such a complaint, the license could not be cancelled. Despite this, except for the observation in the impugned order that the petitioner's reply was not found satisfactory, no other incident or

material has been referred to which would be sufficient to lead the authorities to the conclusion that the petitioner's license needs to be cancelled for the security of public peace or public safety.

5. Despite a specific query as to whether there was any independent material, except the registration of N.C.R. No. 875 of 2024, to arrive at such a conclusion, the learned Assistant Government Pleader fairly stated that, except for the registration of N.C.R. No. 875 of 2024, there is no other or independent material to arrive at a conclusion to cancel the license under Section 17(3)(b) of the Arms Act, 1959.

6. In that view of the matter, and considering the provisions of Section 17(3)(b) of the Arms Act, 1959, which say that the Licensing Authority may, by an order in writing, suspend a license for such period as it thinks fit or revoke the license if it deems it necessary for the security of public peace or for public safety, we find that, in the absence of any material other than the aforesaid N.C.R., the conclusion arrived at by the authority is not just and proper. Accordingly, the writ petition needs to be allowed. Hence, we pass the following order:

(a) The writ petition is allowed.

(b) The order dated 16.05.2025 passed by the respondent no.2- Police Commissioner, Police Station Amravati, Amravati, cancelling the license of the petitioner under Section 17(3)(b) of the Arms Act, 1959, is hereby quashed and set aside, consequently it is directed to issue the license if there is no other legal impediment.

7. The writ petition is disposed of in aforesaid terms. There shall be no order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

Andurkar.