2026:UHC:10719

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE THE ACTING CHIEF JUSTICE SRI MANOJ KUMAR TIWARI

21ST NOVEMBER, 2026

WRIT PETITION (M/S) NO. 328 OF 2019

Parvez Alam ....Petitioner

Versus

Commissioner, Kumaun Mandal, Nainital and others.
...Respondents

Counsel for the petitioner	:	None.
Counsel for the respondents	:	Sri M.S. Bisht, learned Brief Holder for the State of Uttarakhand.

JUDGMENT : (PER: HON'BLE MANOJ KUMAR TIWARI, A.C.J.)

1. Petitioner applied for grant of a firearm license while he was less than 21 years of age; due to oversight by the Licensing Authority, firearm license was granted to him, but later when it was revealed that petitioner has managed to obtain the firearm license in contravention of provisions of the Arms Act, he was directed to deposit the firearm in the Police Station concerned, but he did not comply with the direction and deposited the firearm in a gun house at Kashipur and; the firearm license issued to petitioner was ultimately cancelled after providing opportunity of hearing on 22.08.2014.

2. After attaining the age of 21 years, petitioner again applied for firearm license by giving a different address in his application and, thus, he managed to obtain fresh firearm license on 31.12.2016.

3. Petitioner has challenged the order dated 30.06.2017 passed by District Magistrate, Udham Singh Nagar, whereby the firearm license issued to him on 31.12.2016

was cancelled on the ground that petitioner had suppressed material information in his Application for firearm license, especially the fact that earlier firearm license issued to him was cancelled and petitioner had submitted second Application from a different address to ensure that the factum of cancellation of earlier license may be suppressed.

4. Perusal of the Cancellation Order dated 30.06.2017 passed by District Magistrate, Udham Singh Nagar, reveals that petitioner had furnished incorrect information in Column 10(A) and Column(B) of the Application, inasmuch as in Column 10(A), he had stated that he had not applied earlier for firearm license and in Column 10(B), he had stated that the firearm license issued to him was never cancelled.

5. Perusal of the said order further reveals that because petitioner had applied second time from a different address, therefore the factum of cancellation of earlier license was not mentioned in the police report also, which led to issuance of fresh firearm license to petitioner.

6. Petitioner filed an Appeal, being Arms Appeal No. 28/2016-17, against the order passed by District Magistrate, Udham Singh Nagar dated 30.06.2017, which was dismissed by learned Commissioner, Kumaon Division, Nainital on 04.06.2018.

7. This Court does not find any reason to interfere with the order passed by District Magistrate, Udham Singh Nagar, as affirmed by Commissioner, Kumaon Division, Nainital. Petitioner played fraud upon Licensing Authority for obtaining firearm license. He conveniently suppressed the information in his Application, even though there were specific columns, where an applicant is required to indicate,

whether he had earlier applied for firearm license and whether the firearm license issued to him earlier was cancelled.

8. Law is well settled that fraud vitiates every solemn act.

9. Hon'ble Supreme Court in the case of *Satluj Jal Vidyut Nigam Vs. Raj Kumar Rajinder Singh and others* reported as *(2019) 14 SCC 449* has held as under:-

> ***"68.*** *Fraud vitiates every solemn proceeding and no right can be claimed by a fraudster on the ground of technicalities. On behalf of the appellants, reliance has been placed on the definition of "fraud" as defined in Black's Law Dictionary, which is as under:*
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> > *"Fraud : (1) A knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment. Fraud is usually a tort, but in some cases (esp. when the conduct is wilful) it may be a crime. … (2) A misrepresentation made recklessly without belief in its truth to induce another person to act. (3) A tort arising from a knowing misrepresentation, concealment of material fact, or reckless misrepresentation made to induce another to act to his or her detriment. (4) Unconscionable dealing; esp., in contract law, the unconscientious use of the power arising out of the parties' relative positions and resulting in an unconscionable bargain."*
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> ***69.****Halsbury's Laws of England has defined "fraud" as follows:*
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> > *"Whenever a person makes a false statement which he does not actually and honestly believe to be true, for purpose of civil liability, the statement is as fraudulent as if he had stated that which he did know to be true, or know or believed to be false. Proof of absence of actual and honest belief is all that is necessary to satisfy the requirement of the law, whether the representation has been made recklessly or deliberately, indifference or recklessness on the part of the representor as to the truth or falsity of the representation affords merely an instance of absence of such a belief."*
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> ***70.*** *In Kerr on the Law of Fraud and Mistake, "fraud" has been defined thus:*
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> > *"It is not easy to give a definition of what constitutes fraud in the extensive significance in*

which that term is understood by Civil Courts of Justice. The courts have always avoided hampering themselves by defining or laying down as a general proposition what shall be held to constitute fraud. Fraud is infinite in variety… Courts have always declined to define it, … reserving to themselves the liberty to deal with it under whatever form it may present itself. Fraud … may be said to include property (sic properly) all acts, omissions, and concealments which involve a breach of legal or equitable duty, trust or confidence, justly reposed, and are injurious to another, or by which an undue or unconscientious advantage is taken of another. All surprise, trick, cunning, dissembling and other unfair way that is used to cheat anyone is considered as fraud. Fraud in all cases implies a wilful act on the part of anyone, whereby another is sought to be deprived, by illegal or inequitable means, of what he is entitled to."

71. *In Ram Chandra Singh v. Savitri Devi [Ram Chandra Singh v. Savitri Devi, (2003) 8 SCC 319] , it was observed that fraud vitiates every solemn act. Fraud and justice never dwell together and it cannot be perpetuated or saved by the application of any equitable doctrine including res judicata. This Court observed as under : (SCC pp. 327-29, paras 15-18, 23 & 25)*

"15. Commission of fraud on court and suppression of material facts are the core issues involved in these matters. Fraud, as is well known, vitiates every solemn act. Fraud and justice never dwell together.

16. Fraud is a conduct either by letter or words, which induces the other person or authority to take a definite determinative stand as a response to the conduct of the former either by word or letter.

17. It is also well settled that misrepresentation itself amounts to fraud. Indeed, innocent misrepresentation may also give reason to claim relief against fraud.

18. A fraudulent misrepresentation is called deceit and consists in leading a man into damage by wilfully or recklessly causing him to believe and act on falsehood. It is a fraud in law if a party makes representations which he knows to be false, and injury ensues therefrom although the motive from which the representations proceeded may not have been bad.

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> *23. An act of fraud on court is always viewed seriously. A collusion or conspiracy with a view to deprive the rights of the others in relation to a property would render the transaction void ab initio. Fraud and deception are synonymous.*
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> *25. Although in a given case a deception may not amount to fraud, fraud is anathema to all equitable principles and any affair tainted with fraud cannot be perpetuated or saved by the application of any equitable doctrine including res judicata." (emphasis supplied)"*

10. Obtaining firearm license by furnishing incorrect / misleading information is a serious matter. A firearm reaching wrong hands may create havoc for the society.

11. Since District Magistrate, Udham Singh Nagar has passed a reasoned order for cancelling firearm license issued to petitioner and the reasons assigned are valid, therefore this Court does not find any reason to interfere with the District Magistrate's order, as affirmed by the Appellate Authority. Thus, this Court declines to interfere in the matter. The writ petition fails and is dismissed.

14. Pending application, if any, also stands dismissed.

MANOJ KUMAR GUPTA, A.C.J.

Dt: 21st November, 2026
Rathour

PRAVINDRA SINGH RATHOUR