



1

WP-35168-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

ON THE 24th OF SEPTEMBER, 2026

WRIT PETITION No. 35168 of 2026

MR. GHANSHYAM YADAV

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Prashant Yadav - Advocate for the petitioner.

Hemant Sharma appearing on behalf of Advocate General.

.....
ORDER

The petitioner has filed the present petition under Article 226 of the Constitution of India being arrgied by the order dated 19.12.2024 passed by Respondent No.3 in CAsE No.11814/SEVen-Licence/2024 whereby the arms licence of the petitioner has been suspended for an indefinite period, despite there being no allegation whatsoever that the licensed firearm of the petitioner was used or misused in connection with the incident giving rise to the criminal proceedings, seeking following reliefs:-

"Hon'ble Court may pleased to issue a writ, Order or direction in the nature of Certiorari or any other appropriate writ, thereby quashing the impugned Order No. 11814/Seven-Licence/2024 dated 19.12.2024 (Annexure P/7), passed by Respondent No. 3."



2. It is submitted that an offence Crime No. 0502/2024 dated 02.11.2024 for offences punishable under Sections 296, 115(2), 118(1), 191(2), 191(3), 351(3), 126(2), 117(2), 118(2) and 109(1) of the Bharatiya Nyaya Sanhita, 2023 was registered at the instance of petitioner's brother and a cross-case was also registered bearing crime No.No. 0503/2024 dated 02.11.2024 for the offences 296, 115(2), 351(3), 3(5), and 117(2) against the petitioner and others. Counsel for the petitioner submits that The petitioner is a retired Army personnel and, after his retirement, has been earning his livelihood as a Security Guard with the Madhya Pradesh Madhya Kshetra Vidyut Vitaran Company Limited (MPMKVVCL). The petitioner is the sole bread earner of his family and was appointed as a Security Guard against a post requiring possession of a valid arms licence and licensed firearm. The continued suspension of his arms licence has consequently placed his existing employment and livelihood at serious risk. It is pertinent that, during the subsistence of the dispute between the 'private parties, the petitioner, with a bona fide intention to avoid any possibility of controversy or objection concerning his licensed firearm, voluntarily deposited the said firearm at Police Station Narsingharh on 08.11.2024. The said deposit was duly acknowledged by the concerned Police Station by issuance of a "Shastra Jama Rasid" dated 08.11.2024. Thus, the firearm was not seized from the petitioner on account of its alleged use in the incident, nor was it ever alleged to have been used or misused by the petitioner. The impugned action is thus liable to be examined in the light of Section 17(3)(b) of the Arms Act, 1959, as the respondents have failed to demonstrate any material or



circumstances establishing that continuation of the petitioner's licence would be prejudicial to public peace or public safety. It is submitted that now, the petitioner alongwith other co-accused persons have acquitted by learned trial Court vide judgment dated 10.09.2026 passed in ST No.1209/2025 by First ASJ, Narsinghgarh, Rajgarh in respect of Crime No. 0502/2024 dated 02.11.2024 for offences punishable under Sections 296, 115(2), 118(1), 191(2), 191(3), 351(3), 126(2), 117(2), 118(2) and 109(1) of the Bharatiya Nyaya Sanhita, 2023.

3. In support of his contention he has placed reliance on **Jandel Singh Rawat vs. State of M.P. and Others; 2026:MPHC-GWL:24535**, **Gautam Rai Rally vs. State of M.P. and Others; 2026:MPHC-GWL:23539**, **Padam Chand Gupta and Others vs. State of M.P and Others; 2026:MPHC-GWL:19680**.

Heard.

5. Counsel for the State has opposed the prayer but admitted that the petitioner is a retired armed personnel and he has acquitted vide judgment dated 10.09.2026 passed in ST No.1209/2025 by First ASJ, Narsinghgarh, Rajgarh.

6. Perused the record.

7. On perusal of the impugned order, it can be seen that the licence has been suspended on the ground of the pendency of criminal case against the petitioner. The crux of the matter is that whether the petitioner has a right to possess the fire arm. The scheme of the Act discloses that grant of arm licence is a privilege extended by the State to the petitioner concerned. In the impugned order the licensing authority has not recorded any satisfaction for



suspending the licence. Merely due to registration of the case, the licence cannot be suspended.

8. In view of the aforesaid discussion, the inescapable conclusion, which can be arrived at is that the licensing authority did not exercise the power in accordance with Section 17(3) of the Act. The power exercised by the authority is without application of mind, arbitrary and without recording subjective satisfaction. Accordingly, the petition is allowed. The impugned order dated 19.12.2024 (Annexure P/7) is hereby set aside.

9. The matter is remitted back to respondent no.3 for fresh consideration of the petitioner's arms licence strictly in accordance with law. While undertaking fresh consideration, respondent No.3 shall afford the petitioner a due and effective opportunity of hearing and shall consider the entire relevant material, including the status and nature of the criminal cases relied upon against the petitioner, the factum of their disposal, if any, the conduct of the petitioner after grant of the arms licence, and the existence or otherwise of any material having a bearing upon public peace or public safety. The competent authority shall record its independent and reasoned satisfaction in accordance with the requirements of Section 17 of the Arms Act, 1959, and shall not proceed merely on the basis of registration or pendency of a criminal case or on a bald apprehension of possible misuse of the licensed firearm.

10. The aforesaid exercise shall be completed expeditiously, preferably within a period of eight weeks from the date of receipt of a certified copy of this order. It is made clear that this Court has not expressed



any opinion on the merits of the criminal cases pending against the petitioner or on the ultimate entitlement of the petitioner to hold the arms licence. The competent authority shall take an independent decision on the basis of the material available before it and strictly in accordance with law.

11. With the aforesaid, the petition stands disposed off.

Certified copy, as per rules.

(GAJENDRA SINGH)
JUDGE

amit