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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 52/2017 & Crl.M.A. Nos.216-18/2017

HERVE CROSO

..... Petitioner

Through : Ms. Ramni Taneja and Mr. Peeyush  
Vaish, Advs.

versus

STATE

..... Respondent

Through : Mr. Sanjay Lao, ASC and Mr.  
Siddarth Sindhu, Adv. with SI Vinod  
Kumar PS IGI Airport.

**CORAM:**

**HON'BLE MR. JUSTICE A.K. PATHAK**

**ORDER**

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**06.01.2017**

By this petition under Articles 226 & 227 of the Constitution of India, petitioner has prayed for quashing of FIR No.449/2016 under Section 25 of the Arms Act, 1959, registered at police station IGI Airport, New Delhi.

As per the FIR, on 30<sup>th</sup> November, 2016, upon checking the baggage of petitioner at IGI Airport, three live cartridges were recovered. Petitioner had arrived at T-3 terminal from Paris by flight no.AI-142. He was to board a connecting flight of Air India (AI-317) to Mumbai. He was a transit passenger at IGI Airport.

Learned counsel for the petitioner has contended that these live cartridges were not there in the bag of petitioner, when he boarded the plane

at Paris Airport and live cartridges do not belong to petitioner. Someone appears to have kept these cartridges in petitioner's bag at Delhi Airport by tampering his baggage; where he stayed for about 13 hours. It is submitted that petitioner was not in 'conscious possession' of the live cartridges.

Learned Additional Standing Counsel submits that investigations are still pending, inasmuch as, facts have to be verified.

I am of the view that facts have to be verified during the investigation. Whether the live cartridges were kept by tampering the baggage of petitioner or were carried by the petitioner himself is a subject matter of investigation, which is still on. At this stage, when investigations are still in progress, I do not find any justification to entertain the writ petition and quash the FIR.

Writ petition is dismissed. Miscellaneous applications are disposed of as infructuous.

**A.K. PATHAK, J.**

**JANUARY 06, 2017/dk**