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

+ W.P.(CRL) 783/2017

PARMJEET RANA

..... Petitioner

Through: Mr. Satvinder Singh with Mr. Jaspreet  
Rai, Advs.

versus

STATE & ANR.

..... Respondents

Through: Ms. Nandita Rao, ASC for the State

**CORAM:**

**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**ORDER**

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**27.04.2017**

The petitioner has sought quashing of the FIR No.214/2016 dated 12.06.2016 (P.S.IGI Airport) instituted for offences under Section 25 Arms Act, 1959.

It is alleged that while the petitioner who had arrived from United States of America was about to board the flight to Bangalore from IGI Airport, Delhi in the night of 11/06/2016, his check-in baggage on search, was found to be containing one single live cartridge of 2.7 cm in length and diameter of base 0.8 cm.

The petitioner is stated to be working as Enabling Manager for last five years with a multinational company namely M/s CPM India Sales & Marketing Private Ltd. He had gone to United States of America for a business meeting and the company had planned a team activity tour at "Western Destinations" for recreational activities like horse riding and pistol

shooting.

It is submitted that the petitioner was not aware about the presence of the live cartridge in his bag and presumes that someone, mistakenly, may have put the bullet in his bag while the petitioner was busy with shooting.

For prosecution regarding possession of a firearm under the Arms Act, it needs to be proved that the accused had the knowledge or consciousness of that possession. "Possession", for the purposes of prosecution must mean possession with the requisite mental element, i.e. conscious possession and not mere custody without awareness (refer to *Gunwantlal vs. The State of Madhya Pradesh*, AIR 1972 SC 1756; *Sanjay Dutt vs. State through CBI, Bombay (II)*, (1994) 5 SCC 410).

The circumstances of the case make it very clear that mere possession of one live cartridge and no further evidence, is insufficient for proving any charge against the petitioner.

One live cartridge, it has been submitted, cannot be used for any purpose in the absence of the firearm.

It is a settled law that the Courts can interfere at any stage for preventing the abuse of the process of the Court and the only safe-guard against such use of power is that legitimate prosecution may not be stifled. True it is that this Court cannot inquire into the reliability of the evidence and sustainability of accusation but from the circumstances of this case, it would only be a futile exercise to keep the investigation of this case pending when the petitioner has a clean background.

The learned counsel appearing for the petitioner has relied upon various orders passed by this Court in several other cases of similar nature.

Having regard to the facts and circumstances of this case, this Court is of the opinion that the possession of one live cartridge, without the firearm, the petitioner cannot be said to be in conscious possession of the same. There does not appear to be even a remote possibility of the police bringing in any further evidence regarding the intention of the petitioner.

Considering the aforesaid facts, this court is of the view that no useful purpose would be served in continuing with the investigation in this case.

Considering the aforesaid facts, FIR No.214/2016 dated 12.06.2016 (P.S.IGI Airport) for the offence under Section 25 Arms Act, 1959 and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

**ASHUTOSH KUMAR, J**

**APRIL 27, 2017**

**ns**