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

+ **W.P.(CRL) 2707/2017**

NAVDEEP KAUR Petitioner

Through: Mr.Harmeet Singh, Adv.

versus

THE STATE NCT OF DELHI Respondent

Through: Mr.Rajesh Mahajan, ASC.
SI Vinod Ahlawat, P.S.IGI Airport.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **18.09.2017**

CRL. M.A.15531/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2707/2017

The petitioner seeks quashing of FIR No.75/2017 dated 06.03.2017 (P.S.IGI Airport) instituted for the offence under Sections 25/54 and 59 of the Arms Act.

It has been alleged that while the petitioner was travelling to Canada from Delhi, one live cartridge was found in his baggage. As such the subject FIR was lodged.

It has been submitted that the petitioner had no idea about the presence of the live cartridge in her bag. It has further been submitted that the bag which was being carried by the petitioner belonged to her father-in-

law.

Times without number, this Court has stated that without the requisite mental intent for possessing the fire arm, no offence under Section 25 of the Arms Act can at all be said to have been made out.

In *Gunwantlal vs. The State of Madhya Pradesh, AIR 1972 SC 1756*, it has been held by the Supreme Court that the possession of fire arms must have the element of consciousness or knowledge of that possession in the person who is charged for such an offence. Possession simplicitor would not constitute the offence. That apart, without the presence of the fire arm, cartridge would not fall in the category of an ammunition which could be used.

Considering the aforesaid facts, this Court is of the view that the proceedings against the petitioner should not be allowed to be continued.

For the aforesaid reason, FIR No.75/2017 dated 06.03.2017 (P.S.IGI Airport) instituted for the offence under Sections 25/54 and 59 of the Arms Act and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

SEPTEMBER 18, 2017

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