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

+ W.P.(CRL) 54/2018 & CrI. M.A. No.346/2018

SUDHIR AGARWAL

..... Petitioner

Through

Mr. Varun Malik, Mr. Satya Ranjan Swain and Mr. Ajay P. Tushir, Advs.

versus

STATE (NCT OF DELHI)

..... Respondent

Through

Ms. Richa Kapur, ASC with Mr. Ashish Negi, Adv for the State.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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08.01.2018

The petitioner has sought quashing of the present FIR. FIR No.278/2017 had been registered under Section 25 of the Arms Act at Police Station IGI Airport. The petitioner who was travelling by flight No.04 of Air Asia from New Delhi to Kolkata, on his checking was found to be in possession of one live cartridge which was within the meaning 'ammunition'; accordingly the aforementioned FIR under Section 25 of the Arms Act had been filed against the petitioner.

The petitioner is on bail.

The defence of the petitioner is that this live cartridge belongs to the brother of the petitioner who had a licensed weapon which license was valid up to the year 2020; this license had been issued by the State of UP and the aforementioned bullet/live cartridge belonged to the weapon of the brother of the petitioner.

Charge-sheet has not been filed till date.

The submission of the petitioner that this live cartridge belonged to the licensed weapon of the brother of the petitioner who

had a valid license up to the year 2020 has been verified by the State. This position is found to be correct. Learned ASC for the State, under instructions from the Investigating Officer, has informed this to the Court.

In a judgment of a Bench of this Court reported as MANU/DE/3227/2014 Gaganjot Singh Vs. State, the Bench while answering a reference had held that the expression 'ammunition' includes a live cartridge. On the examination of facts of the said case, the Court was of the view that since the facts of that case have disclosed that the cartridge recovered in the baggage of that petitioner was in fact a baggage of his uncle who had lent it to the petitioner for his journey, it was a fit case for the quashing of the said FIR which had also been registered under Sections 25/54/59 of the Arms Act.

Applying the ratio of the aforementioned decision to the facts of the present case, this Court is of the view that no useful purpose would be served in continuing of such a trial which would be an exercise in futility as the submission of the petitioner that this live cartridge belonged to the licensed weapon of his brother has since been verified.

Accordingly, FIR No.278/2017 registered under Section 25 of the Arms Act at Police Station IGI Airport and all proceedings emanating thereto are quashed.

Petition disposed of.

INDERMEET KAUR, J

JANUARY 08, 2018

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