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

+ W.P.(CRL) 1975/2019

ARUNA CHAUDHARY

..... Petitioner

Through: Mr Satvinder Singh, Advocate.

versus

STATE & ORS.

.... Respondents

Through: Mr Rajesh Mahajan, ASC for State.
SI Ajay Mishra, PS IGI Airport.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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25.09.2019

1. The petitioner has filed the present petition, *inter alia*, praying that FIR bearing no. 0257/2019 registered with P.S. IGI Airport under Section 25 of the Arms Act, 1959 and all proceedings emanating therefrom, be quashed.
2. The said FIR was registered at the instance of respondent no.3. The said FIR was registered pursuant to the report that a live cartridge was found in the baggage of the petitioner.
3. The petitioner was scheduled to travel from Delhi to Jaipur by an Indigo Flight on 12.06.2019. After check-in, her baggage was scanned and one live cartridge .32 Bore bearing the marking "K.F.32 S&WL" was found.
4. Necessary investigations were conducted pursuant to the said FIR and the said investigations indicate that the petitioner's husband held a valid Arms License for a weapon, which uses the said ammunition.
5. This Court is informed that the investigation also revealed that the

cartridge bearing the said markings had been issued to the petitioner's husband.

6. It is clear from the above that the ammunition found in the petitioner's baggage was accounted for. This Court also finds no reason to doubt that petitioner was not conscious of the fact that her baggage contained a live cartridge. It is stated that the luggage used by the petitioner was previously used by her husband and inadvertently, the cartridge remained in the baggage.

7. This Court has considered several such cases and maintained the view that no culpability can be attributed where a person is found to be in possession of a live ammunition without being conscious of the said fact. (See: ***Manuel R. Encarnacion v. State (NCT of Delhi) and Anr.: Crl. M.C. No. 1455/204, decided on 22.05.2014*** and ***Chang Hong Saik through SPA: Arvinder Singh v. State and Anr.: 2012 (130) DRJ 504***).

8. This court has, in a recent decision in ***Parmdeep Singh Sran v. The State (NCT of Delhi): W.P.(CRL.) 152/2019, rendered on 29.08.2019***, in similar facts, quashed the FIR.

9. In view of the above, the petition is allowed and the FIR bearing no. 0257/2019 registered with P.S. IGI Airport under Section 25 of the Arms Act, 1959 and all proceedings emanating therefrom, are quashed

10. Order *dasti* under signature of Court Master.

VIBHU BAKHRU, J

SEPTEMBER 25, 2019
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