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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 404/2020**

RAJVINDER SINGH

..... Petitioner

Through: Mr. Dhruv Sheoran and Mr. Archit
Upadhyay, Advocates.
Petitioner in person.

versus

STATE

..... Respondent

Through: Ms. Rajni Gupta, APP for the State.
SI Satish Kumar, P.S.IGI Airport.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **04.03.2020**

1. This is a petition under Section 482 Cr.P.C for quashing of FIR No. 464/2019 under Section 25 of Arms Act registered at Police Station IGI Airport.
2. In brief, the facts of the case are that on 7.10.2019 on the complaint of the complainant Mr. Pramod Rathee, DIAL, Security & Vigilance, Terminal-3, IGIA, New Delhi, aforesaid FIR was registered against the petitioner wherein six cartridges were recovered from the check-in baggage of the petitioner, who was travelling from New Delhi to Calgary via Vancouver by AIR Canada Flight No. AC 045 .
3. It is submitted by the counsel for the petitioner that petitioner is Hongkong Passport holder and Overseas citizen of India and on the

date of the incident was going from Delhi to Calgary via Vancouver by Air Canada Flight. He further submits that live cartridges were recovered from checked-in baggage after the security check and as such petitioner was in unconscious possession of the same. For this purpose, counsel for the petitioner has relied upon the following judgments:

- (i) ***Siddhartha Kapur Vs. State of NCT of Delhi & Anr. (Crl. M.C. 4810/2016)***
- (ii) ***Ankit Mehrotra Vs. State (Govt. Of NCT of Delhi & Anr. (Crl. M.C. 704/2017)***
- (iii) ***Golap Saikia Vs. State of NCT of Delhi & Anr. 2017(2) JCC 1107;***
- (iv) ***Hari Kishan Vs. State (NCT of Delhi) 2019 SCC Online Del. 8829;***
- (v) ***Kaverdeep Singh Khera Vs. State & Anr. 2019 SCC Online Del 10824; and***
- (vi) ***Anurag Walia, Vs. State of NCT of Delhi 2019 SCC Online 10600 etc.***

4. State has filed status report which shows that petitioner was having a valid Arms License, but it was valid only in the State of Punjab till 31.12.2020. The petitioner has also produced the purchase bill of the ammunition which has already been verified by the State from Royal Gun House.

5. In these facts and circumstances, and in view of the aforesaid judgments, the position which emerges is that cartridges were in unconscious possession, and the petitioner was also having a valid

arms license though may be valid only for the State of Punjab has also produced the ammunitions bills which has been verified. So, no useful purpose will be served by keeping the case pending. It will be nothing but abuse of the process of law. Consequentially, this petition is allowed and FIR No. 464/2019 under Section 25 of Arms Act registered at Police Station IGI Airport is hereby quashed.

RAJNISH BHATNAGAR, J

MARCH 04, 2020/ib