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

+ W.P.(CRL) 307/2020 & Crl. M.A. 2341/2020

HALIMI TAHIRA

..... Petitioner

Through: Mr. Sanjeev Malik and Rana Kunal,
Advocates.

Petitioner in person.

versus

THE STATE

..... Respondent

Through: Mr. R.S.Kundu, ASC with Mr.
Shivam Saharan and Mr. Hitesh Vali,
Advocates.

SI Vipin Kumar, P.S.IGI Airport.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **02.03.2020**

1. This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.28/2020, under Section 25 of Arms Act, registered at Police Station- IGI Airport, Delhi, and all proceedings emanating therefrom.
2. Issue notice. Learned ASC for the State appears on advance notice, accepts notice.
3. The brief facts of the case are that a complaint was received regarding recovery of 1 live ammunition during the screening of checked-in baggage of the petitioner, who is an Afghan National. The recovered cartridge was kept on a white paper and sketch was

prepared. On measurement, length of the each cartridge was found as 3 cm and diameter of bottom as 1 cm & WCC 11 *'' was embedded on its bottom. The said cartridge was wrapped in a white cloth and parcel was prepared and the same was sealed with the seal of IGIA 10. The said parcel was taken in police possession through seizure memo. At that time, the petitioner could not produce any authorization to carry these cartridges. Hence the above said FIR was registered against the petitioner.

4. Counsel for the petitioner, by way of this petition, submits that petitioner was unaware of any cartridge being in her luggage and thus at that relevant time she was not having any valid documents towards the same. It is also stated that the passport bearing no. P00583848 having validity till 15.11.2022 bearing a valid MED-1 type Indian Visa will be valid till 3.3.2020, and has been retained by the police authorities.. It is further submitted that brother of the petitioner is working in Afghan National Army who had mistakenly left the said cartridge in her luggage and the same luggage was carried by the petitioner.

5. Status report also reveals that notice was also served to custom officials who replied that "screening of luggage of arrival passengers is done on random basis or on the basis of prior information/intelligence". It is also submitted by the ASC for the State that cartridge was in unconscious possession.

6. Keeping in view the above facts and circumstances, since the cartridge was in unconscious possession and this fact was also verified by the Status report, it will be nothing but abuse of the

process of law. Consequentially, this petition is allowed, and FIR No.28/2020, under Section 25 of Arms Act, registered at Police Station- IGI Airport, Delhi, and the proceedings emanating therefrom shall stand quashed.

7. IO is present in the Court. He is directed to release the passport forthwith to the petitioner.

8. The present petition stands disposed of accordingly.

Dasti under the signatures of the Court Master.

RAJNISH BHATNAGAR, J

MARCH 02, 2020

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