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

+ **W.P.(CRL) 674/2020**

RAM PRAKASH MISHRA

..... Petitioner

Through: Mr Varun Malik, Mr Rahul Malik
and Mr Ajay P. Tushir, Advocates.

versus

THE STATE (N.C.T OF DELHI)

..... Respondent

Through: Ms Shivani Sharma, Advocate for Ms
Richa Kapoor, ASC for State with SI
Kamal, PS IGI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.03.2020

CRL.M.A. 5168/2020

1. Allowed, subject to all just exceptions.

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2. Issue notice. The learned counsel appearing for the respondent accepts notice.

3. The petitioner has filed the present petition, *inter alia*, praying that the FIR No.0511/2019 under Section 30 of the Arms Act, 1959 registered with PS IGI Airport and all proceedings emanating therefrom, be quashed.

4. The said FIR was registered as ten live cartridges of 0.32mm calibre revolver bearing mark "KF.32 S & WL" were found in the handbag of the petitioner while he was proceeding to board a flight from Delhi to Goa (Air Asia Flight No. I5 798). The said bullets were seized and were sent to FSL.

5. The petitioner is posted as an Additional RTO at Saharanpur, Uttar

Pradesh. It is the petitioner's case that he holds an arms licence (arms license no.3726/GS/2019) issued by the licencing authority at Saharanpur, which was valid for Uttar Pradesh and the said cartridges pertaining to his licensed weapon. The petitioner states that he was travelling to Goa on 08.11.2019 with his family and had arrived in Delhi to board a flight to Goa. He submits that it had inadvertently escaped his attention that the said cartridges remained in his hand bag.

6. The learned counsel appearing for the respondent states that the aforesaid facts have been verified.

7. It is now well settled that no offence under the Arms Act, 1959 would be made out if the person in possession of the ammunition was not aware of its existence. (See: *Surender Kumar @ Surender Kumar Singh v. The State (GNCT of Delhi) & Anr.*: W.P. (Crl) 2143/2019 decided on 27.09.2019; *Aruna Chaudhary v. State & Ors.*: W.P. (Crl.) 1975/2019 decided on 25.09.2019 and *Paramdeep Singh Sran v. The State (NCT of Delhi) W.P.: (Crl) 152/2019 decided on 29.08.2019*)

8. In the present case, the petitioner claims that he was not conscious of the fact that the said live cartridges had remained in his hand bag. This Court finds no reason to disbelieve the aforesaid statement. The learned counsel appearing for the respondent also states, on instructions, that the FIR in question may be quashed.

9. In view of the above, the present petition is allowed and the FIR in question is quashed.

VIBHU BAKHRU, J

MARCH 11, 2020/MK