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

% *Pronounced on : 10.10.2022*

+ CRL.M.C. 1271/2022 & CRL.M.A. 5587/2022

PRITAM PRIYATOSH SWAIN Petitioner

Through: Mr. Vishesh Wadhwa, Mr. Parth
Chadha, Advocates

versus

STATE NCT OF DELHI Respondent

Through: Mr. Ritesh Kumar Bahri, APP for
State.

CORAM:
HON'BLE MR. JUSTICE TALWANT SINGH

ORDER
10.10.2022

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Talwant Singh, J.:

1. This is a petition filed by the petitioner seeking quashing of FIR bearing No. 130/2019 under Section 25 Arms Act, registered at PS Domestic Airport and the proceedings emanating therefrom.
2. Brief facts of the case are that on 17.11.2019 at 4:47 PM the image of Baggage under tag No. 371274 appeared at level-2 and the same was referred for physical check by the complainant on suspicion of ammunitions.
 - 2.1 It is further alleged that during the physical search of the aforesaid baggage at level-4 at 5:23 PM, ammunitions were recovered from the aforesaid baggage in the presence of passenger being the Petitioner herein and an airline staff Mr. Amit Jhakar (security). The Petitioner/Accused was travelling from Delhi to MAA by Spice jet flight number SG-107.

2.2 It is further alleged that when the Accused was asked to produce valid documents for the recovered ammunitions, the Petitioner/Accused was not in possession of valid documents for carrying the above-mentioned ammunitions. Therefore, the ammunitions were handed over to the concerned Police Station for appropriate action as per the provisions of BCAS Circular No. 08/2017, 04.07.2017.

3. It is submitted by the learned counsel for the petitioner that the petitioner is a student of Amity University Noida and presently working in NOKIA, Chennai. It is further submitted that he had come to Delhi for the purpose of collecting his degree from the Amity University, Noida and also to attend his college convocation on 08.11.2019, the copy of the Convocation Slip is annexed as Annexure P-2(Colly).

3.1 It is also submitted that the petitioner had also applied for leave in his office for the said purpose of collecting the college degree. Copy of the Leave Application mail dated 03.10.2019 and the Leave Approval Mail dated 14.10.2019 of the Petitioner is annexed herewith as **Annexure P-3(Colly)**.

3.2 It has been further submitted that the petitioner reached the airport at 4:15 am (as his flight was at 6:10 am) in a cab that he had booked from Noida and it is also pertinent to mention that the baggage of the petitioner was not locked and that the petitioner during the entirety of the trip stopped once in between to buy cigarettes where his bag was left unattended. Copy of the cab trip of the Petitioner is annexed as **Annexure P - 4**.

3.3 It is submitted that after the filing of the chargesheet in the present matter; the Petitioner/Accused had preferred a quashing petition in the Hon'ble High court of Delhi on 22.10.2021. The matter was listed before the

Hon'ble High court on 08.12.2021 however the same was withdrawn on the same day i.e. 08.12.2021. Copy of the Order Dated 08.12.2021 passed by the Hon'ble High Court of Delhi is annexed herewith and marked as **Annexure P-6.**

4. I have heard counsel for the petitioner and learned APP for State and have also gone through the material on record.

5. Keeping in view that the petitioner has come to Delhi for his convocation at Amity University, Noida and this fact has been duly proved on record and also the fact that the petitioner is a young and bright student and there is no previous criminal record against him. There is no criminal history. This may be case of negligence as he left his baggage unattended while travelling to airport.

6. Since, the State has also accepted the fact that the petitioner is working in NOKIA, Chennai and has come to Delhi only for the purpose of his convocation, I deem it fit to quash the FIR bearing No. 130/2019 under Section 25 Arms Act, registered at PS Domestic Airport and the proceedings emanating therefrom, subject to cost of Rs.25,000/- to be deposited with Advocates Welfare Fund maintained by Dwarka Bar Association. Copy of the receipt be submitted to the IO within 10 days from today.

7. The petition is disposed of accordingly. Pending application(s) also stands disposed of.

TALWANT SINGH, J

OCTOBER 10, 2022/mr

[Click here to check corrigendum, if any](#)