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

+ CRL.M.C. 3850/2024

GAURAV SHOREY

.....Petitioner

Through: Mr. Abhimanyu Garg, Advocate with
Mr. Gaurav Shorey, Accused via
video-conferencing.

versus

STATE (NCT) OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State.
SI Umesh Yadav, PS IGI Airport

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

12.11.2024

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By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner seeks quashing of case FIR No. 0144/2023 dated 13.03.2023 registered under section 25 of the Arms Act, 1959 ('Arms Act') at P.S.: I.G.I. Airport, New Delhi ('subject FIR').

2. Notice on this petition was issued on 14.05.2024; pursuant to which Status Report dated 02.08.2024 has been filed on behalf of the State.
3. Mr. Abhimanyu Garg, learned counsel appearing for the petitioner submits, that the genesis of the matter is the recovery of one solitary cartridge from the petitioner's baggage on 13.03.2023 whilst he was under-going a security check at the Indira Gandhi International Airport, which led to the registration of the subject FIR.
4. Learned counsel submits, that as detailed in the petition, the petitioner's father - Col. Anil Shorey -who is stated to have passed



away on 15.06.2011, held an arms license bearing No. SWDC/3/2003/852. Mr. Garg submits, that upon the demise of the petitioner's father, the said arms license along with the licensed revolver were duly deposited with an authorized arms dealer in Delhi in compliance of the permission granted by the Joint Commissioner of Police, Arms Section, Licensing Unit, Delhi *vide* communication dated 19.02.2021. A copy of communication dated 19.02.2021 has been appended to the petition.

5. It is submitted however, that on 13.03.2023, the petitioner happened to use the same bag which he had used for transporting his father's licensed revolver for being deposited as aforesaid; and unbeknownst to the petitioner, one solitary live cartridge happened to remain in that bag.
6. Mr. Garg submits, that the petitioner was not conscious of the fact that the cartridge had remained in the bag; and in any case, the revolver from which the cartridge could have been fired from had already been surrendered after taking due permission from the concerned authorities.
7. It is submitted that the petitioner is a well-respected professional and an architect, trainer and consultant. He is a member of Council of Architecture and is a certified Master Trainer under the Bureau of Energy, Efficiency, Government of India.
8. Mr. Garg argues that no offence is made-out against the petitioner under section 25 of the Arms Act since from the facts of the case it is evident that the petitioner was not in 'conscious possession' of the cartridge.



9. Upon being queried, and relying upon the status report filed in the matter, Mr. Utkarsh, learned APP appearing for the State submits, that the factum of demise of the petitioner's father has been verified; and the particulars and specifics of the revolver and the arms license, which have since been surrendered, also stand verified.
10. The State confirms that the arms license was valid up to 17.03.2005, but in view of the demise of the license holder, the competent authority had directed the petitioner to deposit the weapon with ammunition at the nearest police station or with an authorized arms dealer *vide* communication dated 19.02.2021.
11. Learned APP also submits, that report dated 28.04.2023 received from the Ballistics Division of the Forensic Science Laboratory confirms that the cartridge recovered could be fired through the revolver which has been surrendered, though it had 'misfired' when tested.
12. Upon an overall conspectus of the facts and circumstances of the case, considering the submissions made at the Bar and relying upon the position of the law as enunciated *inter-alia* in **Gaganjot Singh vs. State**,¹ this court is satisfied there is nothing to suggest that the petitioner was in 'conscious possession' of the live cartridge that was recovered from his bag; and accordingly, the ingredients of the offence under section 25 of the Arms Act are not made-out.
13. In the circumstances, case FIR No. 0144/2023 dated 13.03.2023 registered under section 25 of the Arms Act at P.S.: I.G.I. Airport,

¹ 2014 SCC OnLine Del 6885



New Delhi is quashed. All proceedings arising therefrom also stand closed.

14. The petition stands disposed-of.
15. Pending applications, if any, stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 12, 2024/ss