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

+ **W.P.(CRL) 2136/2023**

LAKHWINDER SINGH

..... Petitioner

Through: Mr. Vikas Nain, Mr. Rohit Yadav,
Mr. Navneet Yadav, Mr. Deepak
Sharma, Mr. Deepak Swami, Mr.
Ravinder Chauhan, Ms. Kaveri
Chauhan, Mr. Neeraj Yadav and Mr.
Vivek Yadav, Advocates (through
VC) along with petitioner-in-person.

versus

STATE OF NCT OF DELHI THROUGH SHO IGI AIRPORT

POLICE STATION

..... Respondent

Through: Mr. Sanjeev Bhandari, ASC for
the State with SI Manju
Chahar, P.S. IGI. Airport.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

27.05.2024

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1. The instant petition under Articles 226/227 of Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of seeking issuance of writ of mandamus or any appropriate writ seeking quashing of FIR bearing no. 46/2023, registered at Police Station IGI Airport for the offences punishable under Sections 25/54/59 of Arms Act, 1959 and the proceedings arising therefrom.
2. Petitioner is present before this Court and has been identified by his



counsel Mr. Vikas Nain and Investigating Officer (IO) SI Manju Chahar from Police Station IGI Airport, Delhi.

3. Brief facts of the present case are that on 19.01.2023, the incident had taken place within the jurisdiction of P.S. IGI Airport in which the petitioner was travelling from New Delhi to Bangkok by Vistara Flight Number UK-121 wherein one live cartridge was recovered from his baggage in the presence of petitioner and airline staff Mr. Shahrukh AEP No. (DEL0208782) and Mr. Sanjeev AEP No. (DEL200020226) during check-in. Subsequently, in this regard, FIR bearing no. 0046/2023 was registered at P.S. IGI Airport. It is stated that the petitioner was released on bail by the Investigating Officer.

4. Learned counsel appearing for the petitioner submits that the single live cartridge that was found from the baggage of the petitioner while travelling from New Delhi to Bangkok, could possibly belong to his maternal uncle inasmuch as the maternal uncle was a valid Arms Licence Holder and has been using the said bag in the past. Learned counsel submits that it could be possible that the live cartridge may have been left behind inadvertently by the said uncle.

5. Learned counsel submits that the petitioner was not in conscious possession of the said live cartridge and therefore *mens rea* could not be attracted in the present case.

6. Learned counsel by relying upon the judgment of ***Gunwantilal vs. State of M.P.*** reported in (1972) 2 SCC 194 and ***Chang Hong Saik Through SPA Arvinder Singh vs. State*** reported in 2012 (130) DRJ 504, submits that in similar circumstances, the FIR was quashed. 5. Learned counsel, on the aforesaid grounds, submits that the FIR should be quashed.



7. Status Report has been filed. As per Status Report, the Arms Licence No. DM/FDK/INID/BJKH/9-2021/N/17716001 was verified from the office of the District Magistrate, Faridkot, Punjab. As per verification report, the Arms Licence is genuine and valid from 04.09.2021 till 03.09.2026 in the territory of the State of Punjab only.

8. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, I am of the opinion that no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. Moreover, there is no legal impediment in quashing the FIR in question.

9. Accordingly, FIR bearing no. 46/2023, registered at Police Station IGI Airport for the offences punishable under Sections 25/54/59 of Arms Act, 1959 of IPC and all consequential proceedings emanating therefrom are quashed, subject to petitioner depositing a cost of Rs. 20,000/- with Employees Welfare Fund, Patiala House Courts, Delhi within ten days.

10. In view of the above, the present petition stands disposed of.

11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 27, 2024/zp

Click here to check corrigendum, if any