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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3882/2022 & CRL.M.A. 16180/2022**
MS. NIDHI SHARMA

..... Petitioner

Through: Mr. Pranay Sharma, Adv.

versus

THE STATE GOVT OF NCT DELHI

..... Respondent

Through: Mr. Aman Usman, APP. along
with SI Reema, PS IGI Airport.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **16.05.2024**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.0290/2020 registered at Police Station: IGI Airport, New Delhi under Section 25 of the Arms Act, 1959 (in short, 'Arms Act') along with all other proceedings emanating therefrom.

2. It is the case of the prosecution that on 09.12.2020, at about 0921 hours, the petitioner, who was to take a flight from Delhi to Bengaluru, was found to be in possession of one live cartridge which was noticed during screening of the check-in baggage at the IGI Airport.

3. The learned counsel for the petitioner submits that the brother-in-law of the petitioner has a valid Arms Licence. He submits that, inadvertently, the petitioner did not check the bag which she took from her brother-in-law and failed to notice the presence of one live cartridge in the same. He further submits that the petitioner was not in conscious possession of the live cartridge.



4. Placing reliance on the judgements of this Court in ***Ram Prakash Mishra v. The State (NCT of Delhi)*** passed in W.P.(CrI.) 674/2020, dated 11.03.2020; and in ***Jagat Singh v. The State (NCT of Delhi)*** passed in W.P.(CrI.) 309/2020 dated 03.02.2020, he submits that the FIR and the consequential proceedings be quashed.

5. The learned APP submits that one live cartridge has been found to be in the possession of the petitioner and hence, the petitioner has been rightly charged.

6. A Status Report dated 06.03.2023 has been filed which states that the arms licence in the name of the brother-in-law of the petitioner has been found to be valid upto 07.06.2023.

7. I have considered the submissions made by the learned counsels for the parties.

8. This Court has held that, when the possessor is in unconscious possession of the arms/ammunitions, the same would not constitute an offence under Section 25 of the Arms Act (See: ***Surender Kumar @ Surender Kumar Singh v. The State (GNCT of Delhi) & Anr.***, W.P. (CrI.) 2143/2019 decided on 27.09.2019; ***Aruna Chaudhary v. State & Ors.***, W.P.(CrI.) 1975/2019 decided on 25.09.2019 and ***Paramdeep Singh Sran v. The State (NCT of Delhi)*** W.P. (CrI.) 152/2019 decided on 29.08.2019).

9. In ***Ram Prakash Mishra*** (Supra) and in ***Jagat Singh*** (Supra), respectively, also, the FIR(s) were quashed owing to the fact that the petitioners therein were not in conscious possession of the cartridges that had been found with them.

10. It is evident from the record that the petitioner was negligent in



not noticing the presence of one live cartridge in her bag, however, for the same, criminal intent cannot be attributed to the petitioner. Moreover, the arms licence in the name of the brother-in-law of the petitioner has also been found to be genuine and valid. In the peculiar facts of this case, therefore, it is deemed appropriate and in the interest of justice to quash the abovementioned FIR and the proceedings emanating therefrom.

11. Accordingly, the petition is allowed. FIR No.0290/2020 registered at Police Station: IGI Airport, New Delhi under Section 25 of the Arms Act, and all consequential proceedings emanating therefrom against the petitioner are quashed, subject to the petitioner depositing costs of Rs.25,000/- with the *'Delhi Fire Service Benevolent Fund, Axis Bank Ltd, the Statesman House, 148, Barakhamba Road, New Delhi, Saving Account No.924010014344677, IFSC Code, UTI800000007'*, within a period of four weeks from today.

12. The petitioner shall file, with the Registry of this Court, proof of deposit of the above costs, and also supply a copy thereof to the concerned IO within the said period.

NAVIN CHAWLA, J

MAY 16, 2024/rv/ss

Click here to check corrigendum, if any