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

+ **W.P.(CRL) 904/2025**

NARGIS

.....Petitioner

Through: Mr. Anubhav Mehrotra, Mr. Sanjeev
Malik, Advocates

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC for the
State with W/SI Jyoti Singh, PS IGI
Airport

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

09.10.2025

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1. The present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 325/2024 dated 06th May, 2024, registered at P.S. IGI Airport, Delhi under Section 25 of Arms Act, 1959³ and all consequential proceedings emanating therefrom.

2. The case of the prosecution against the Petitioner is that on 06th May, 2024, during screening of a baggage at Ladies Frisking Booth No. 04, International SHA, Terminal-3, IGI Airport, New Delhi, suspicion arose regarding the presence of undeclared ammunition. The baggage belonged to the Petitioner, Ms. Nargis, who was scheduled to travel to Muscat by Flight

¹ "BNSS"

² "CrPC"



the same day. Upon physical examination of the baggage three live rounds of ammunition were recovered. As the Petitioner could not produce any valid licence or authorisation for possession of ammunition, a complaint was lodged pursuant to which the present FIR came to be registered at P.S. IGI Airport, Delhi.

3. Counsel for the Petitioner submits that the Petitioner was not in conscious possession of the ammunition recovered from her. The bag belonged to her brother-in-law, Rahat Ali, a licensed arms holder. The ammunition was lawfully purchased and duly endorsed in the licence. A copy of the said arms licence is placed on record. The live cartridges in the bag were present inadvertently, without the Petitioner's knowledge. She further submits that in the absence of a firearm the cartridges could not have been intended for unlawful use.

4. The Court has considered the afore-noted facts and submissions. The State has filed a status report, confirming that the license of the Petitioner's brother-in-law has been verified and found to be genuine. It has also been confirmed that the ammunition recovered was purchased by Rahat Ali against his valid arms license. The undisputed position is that three live cartridges were recovered from the Petitioner's baggage during screening at IGI Airport. However, in light of the State's verification and the material before the Court, it appears that the Petitioner was not consciously or unlawfully in possession of the cartridges. The Petitioner has explained that the cartridges were inadvertently left in a bag borrowed from Rahat Singh, and there is nothing in the evidence to contradict this explanation. Therefore, the mere recovery of the cartridges, without any accompanying firearm or

³ "Arms Act"



other incriminating material, does not establish unlawful possession by the Petitioner.

5. This Court, in a catena of decisions such as *Sonam Chaudhary v. The State (Government of NCT of Delhi)*⁴, *Mitali Singh v. NCT of Delhi and Anr.*⁵, as well as *Rahul Mamgain v. State of NCT of Delhi and Anr.*⁶, has consistently quashed FIRs in cases where the possession of firearm or ammunition was found to be inadvertent and did not constitute ‘conscious possession’.

6. The concept of ‘conscious possession’ under the Arms Act requires not merely physical possession of an object, but also knowledge and intent on the part of the possessor, neither of which are established in the present case. The material on record does not suggest any *mens rea* or culpable intent on the part of the Petitioner, nor does it indicate that the ammunition was carried for any unlawful purpose. The explanation offered by the Petitioner that she did not realize the presence of the ammunition until its discovery is plausible. Further, no firearm was found in her possession, nor is there any allegation that the ammunition was intended to be used for an unlawful purpose. The record, therefore, does not support a finding that the Petitioner knowingly possessed the cartridge.

7. While the Arms Act is a statute that imposes strict criminal liability in the interest of public safety, its provisions must be applied in a manner that does not criminalise unintentional, technical lapses devoid of any incriminating circumstances. To hold otherwise would stretch the statute beyond the mischief it seeks to remedy. In the present case, the absence of

⁴ 2016 SCC OnLine Del 47.

⁵ W.P.(Crl) 2095/2020, decided on 15th December, 2020.



any weapon, the lack of any evidence of knowledge, and the isolated nature of the recovery reinforce the conclusion that no offence under Section 25 of the Arms Act is made out.

8. In view of the foregoing, in the opinion of the Court, the continuation of proceedings in the impugned FIR would serve no legitimate purpose other than subjecting her to undue harassment and prolonged litigation. The Supreme Court has repeatedly held that criminal proceedings should not be permitted to continue, when they amount to an abuse of the process of law. In the absence of any legal or factual basis to sustain the prosecution, allowing the proceedings to continue would be a miscarriage of justice.

9. While the Court finds no basis to prosecute the Petitioner under the Arms Act, her carelessness has led to the unnecessary involvement of the state machinery, an outcome that could have been avoided with greater vigilance. Given that security agencies are obligated to treat all such incidents with seriousness, irrespective of an individual's intent, the initiation of criminal proceedings was a natural consequence of the Petitioner's lapse. Accordingly, while the Court deems it fit to quash the impugned FIR, it is considered appropriate to impose costs on the Petitioner in the interest of justice.

10. Accordingly, the impugned FIR No. 325/2024 dated 06th May, 2024, registered at P.S. IGI Airport, Delhi under Section 25 of Arms Act, 1959 and all consequential proceedings emanating therefrom, subject to payment of cost of INR 10,000/- with the Delhi Police Welfare Fund, by the Petitioner.

11. Proof of deposit be placed on record within a period of 15 days from today.

⁶ CrI. M.C. 3783/2022, decided on 17th August, 2022.



12. With the above directions, the present petition is disposed of along with the pending application.

SANJEEV NARULA, J

OCTOBER 9, 2025/ab