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

+ **W.P.(CRL) 1027/2025**

GURJODH SINGH

.....Petitioner

Through: Mr. Rahul Rai, Advocate.
versus

STATE, GOVT. OF NCT OF DELHI AND ANRRespondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State along with SI Rajesh Kumar
P.S. IGI Airport

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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26.09.2025

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. 226/2024³ dated 25th March, 2024, registered at P.S. IGI Airport, Delhi, under Section 25 of Arms Act, 1959⁴ and all consequential proceedings emanating therefrom.

2. The case of the prosecution against the Petitioner is that on 24th March, 2024, during screening of checked-in baggage at Level-2, Terminal-3, IGI Airport, New Delhi, an image showing suspected ammunition was flagged by security staff. The baggage belonged to the Petitioner, Mr. Gurjodh Singh, who was scheduled to travel from Delhi to Toronto by Air

¹ "BNSS"

² "CrPC"

³ "the impugned FIR"

⁴ "Arms Act"



Canada flight no. AC-043. Upon physical examination of the baggage at Level-4 around 9 p.m., four live ammunition cartridges were recovered in the presence of the passenger and airline staff. The Petitioner was unable to produce any valid license or authorization for possession or carriage of the ammunition. Consequently, the matter was reported to the local police station on 25th March, 2024, and the impugned FIR was registered.

3. Counsel for the Petitioner submits that the Petitioner was not in conscious possession of the four live cartridges recovered from his hand baggage at IGI Airport, Delhi. The bag belonged to his maternal uncle, Raj Singh, 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. He further submits that in the absence of a firearm and any attempt at concealment, 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 maternal uncle has been verified and found to be genuine. It has also been confirmed that the ammunition recovered was purchased by Raj Singh against his valid arms license. The undisputed position is that four 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 Raj Singh, and there is nothing in the evidence to contradict this explanation. Therefore, the



mere recovery of the cartridges, without any accompanying firearm or other incriminating material, does not establish unlawful possession by the Petitioner.

5. This Court, in a catena of decisions, has consistently quashed FIRs in cases where the possession of firearm or ammunition was found to be inadvertent and did not constitute ‘conscious possession’.⁵

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 he did not realize the presence of the ammunition until its discovery is plausible. Further, no firearm was found in his 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 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

⁵**Sonam Chaudhary v. The State (Government of NCT of Delhi)** 2016 SCC OnLine Del 47; **Mitali Singh v. NCT of Delhi and Anr.** W.P.(Crl) 2095/2020, decided on 15th December, 2020; **Rahul Mamgain v.**



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 him 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, his 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. 226/2024 dated 25th March, 2024, registered at P.S. IGI Airport, Delhi under Section 25 of Arms Act, 1959⁶ and all consequential proceedings emanating therefrom are hereby quashed subject to payment of cost of INR 10,000/-, to be deposited with the Delhi Police Welfare Fund, by the Petitioner. Proof of deposit be placed on record within a period of 4 weeks from today.

11. With the above directions, the present petition is disposed of along

State of NCT of Delhi and Anr. Crl. M.C. 3783/2022, decided on 17th August, 2022.

⁶ "Arms Act"



with the pending application.

SANJEEV NARULA, J

SEPTEMBER 26, 2025/MK