



\$~33

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

+ **W.P.(CRL) 1055/2025**

HARPREET KAUR

.....Petitioner

Through: Ms. Laxmi Muneshwar, Ms. Akanshi
Rawat, Advocates

versus

**THE STATE OF NCT OF DELHI THROUGH SHO, P. S. IGI
AIRPORT**

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel for
the State with SI Ekta, PS IGI Airport

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER
09.10.2025**

%

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. 763/2023 dated 13th December, 2023, 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, Harpreet Kaur, is that on 13th December 2023, during screening of her hand baggage at X-BIS-11, International SHA, Terminal-3, IGI Airport, New Delhi, suspicion arose regarding the presence of undeclared ammunition. The Petitioner was scheduled to travel to Hong Kong. Upon physical inspection of the baggage,

¹ "BNSS"

² "CrPC"



six live cartridges were recovered. The Petitioner could not produce any valid licence or authorisation for possession of the ammunition and stated that the rounds belonged to her father, who held a valid licence in Punjab. A complaint was lodged, and the impugned FIR was registered.

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 father, Dalbir Singh, a licensed arms holder. 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 father has been verified and found to be genuine. The undisputed position is that six 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 her father 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 such as *Sonam Chaudhary v. The*

³ "Arms Act"



*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 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 the Arms Act is made out.

⁴ 2016 SCC OnLine Del 47.

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



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. 763/2023 dated 13th December, 2023, registered at P.S. IGI Airport, Delhi under Section 25 of Arms Act, 1959⁷ 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.

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

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

⁷ "Arms Act"



with the pending application.

SANJEEV NARULA, J

OCTOBER 9, 2025

ab