



2025:DHC:7860



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

Date of decision: 07.08.2025

+ W.P.(CRL) 1376/2025

ARMAN MOHD

.....Petitioner

Through: Mr.Rahul Rai, Advocate

versus

STATE, GOVT. OF NCT DELHI & ANR.Respondents

Through: Mr.Rahul Tyagi, ASC with SI
Amit Kumar, PS IGI Airport

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ARUN MONGA, J. (ORAL)

1. The petitioner herein seeks quashing of the FIR No. 355/2024 dated 20.05.2024 under Section 25 Arms Act, 1959, registered at Police Station IGI Airport and all consequential proceedings emanating therefrom.
2. As per the impugned FIR, on 20.05.2024, while petitioner was at IGI Airport to travel from Delhi to Dubai by Flight No. SG-11, his baggage checking yielded one undeclared bullet/cartridge, which was detected in a small pocket of Capri jeans. The petitioner had no valid document for its possession. The bullet/cartridge and his baggage were seized, and the impugned FIR was registered.
3. Case set up in the petition is that the petitioner is a 25-year-old



qualified (educated) Indian citizen, permanent resident of Muzaffarpur, Bihar and belongs to a respectable family. The learned counsel for the petitioner submits that the petitioner had come to Delhi on 19.05.2024 to his sister-in-law's house and had purchased a second-hand Capri jeans from the local market. The said bullet was lying inside a small pocket of the jeans. On 20.05.2024, in haste to catch his flight, the petitioner packed the jeans in his luggage without noticing the bullet. It was detected during checking of his baggage at IGI Airport, much to his surprise. The petitioner was absolutely unaware of its presence in the small pocket of the second-hand capri jeans bought from the local market.

4. Learned counsel for the petitioner would submit that the charge sheet has not yet been filed by the prosecution.

5. It is contended that the petitioner neither had knowledge nor was in conscious possession of the undeclared ammunition found in his baggage. He would reiterate that the petitioner had no knowledge of the cartridge/ bullet lying in the pocket of the jeans in his baggage and was not in its conscious possession, and that without conscious possession, no offence is made out under the Arms Act. Reliance is placed on the Supreme Court decisions in ***Gunwantlal v. State of Madhya Pradesh AIR 1972 SC 1756*** and ***Sanjay Dutt v. State through CBI, Bombay (1994) 5 SCC 410***.

5.1 Learned Counsel would further urge that the single cartridge by itself cannot be used for any purpose. This being so, irrespective of the question whether or not the petitioner was in its conscious possession, the exception in sub-Section 45(d) of the Arms Act would apply,



which provides that nothing in the Act *shall apply to the acquisition, possession or carrying by a person of minor parts of arms or ammunition which are not intended to be used alongwith complementary parts acquired or possessed by that or any other person.* Reliance is placed on ***Gaganjot Singh v. State 2014 SCC Online Del 6885, Jaswinder Singh v. NCT of Delhi 2015 SCC Online Del 10894, Sonam Chaudhary v. State 2016 SCC Online Del 47 and Mandeep Lambs v. State 2017 SCC Online Del 9885.***

5.2 It is submitted that no offence under Section 25 of the Arms Act is made out and continuance of criminal proceedings would amount to abuse of process, causing undue hardship to a law-abiding citizen with clean antecedents.

5.3 Learned counsel would also submit that the petitioner is a respectable person with no criminal record, he is also engaged in welfare activities and the FIR adversely affects his reputation. It is emphasized that there was no concealment of ammunition, as he provided explanation when taken to PS IGI Airport.

6. The learned APP, however, opposes the petition.

7. Having heard both sides, I am of the view that, the petition deserves to be allowed.

8. For ready reference Section 45 (d) of the Arms Act is reproduced as under:

“45. Act not to apply in certain cases.

Nothing in this Act shall apply to

(a) arms or ammunition on board any sea-going vessel or any aircraft and forming part of the ordinary armament or equipment of such vessel or aircraft;



(b) the acquisition, possession or carrying, the manufacture, repair, conversion, test or proof, the sale or transfer or the import, export or transport of arms or ammunition

(i) by or under orders of the Central Government, or

(ii) by a public servant in the course of his duty as such public servant, or

(iii) by a member of the National Cadet Corps raised and maintained under the National Cadet Corps Act, 1948 (31 of 1948), or by any officer, or enrolled person of the Territorial Army raised and maintained under the Territorial Army Act, 1948 (56 of 1948) or by any member of any other forces raised and maintained or that may hereafter be raised and maintained under any Central Act, or by any member of such other forces as the Central Government may, by notification in the Official Gazette, specify, in the course of his duty as such member, officer or enrolled person;

(c) any weapon of an obsolete pattern or of antiquarian value or in disrepair which is not capable of being used as a firearm either with or without repair;

(d) the acquisition, possession or carrying by a person of minor parts of arms or ammunition which are not intended to be used along with complementary parts acquired or possessed by that or any other person.

Emphasis supplied."

9. A bare reading of Section 45(d) of the Arms Act shows that if a person is found in possession of minor part of arms or ammunition without there being the complimentary part, it does not attract the rigors of the Arms Act.

10. This Court has had an occasion to deal with somewhat similar case involving a foreign national who was also caught at the airport while leaving the country with a live cartridge. In **Chan Hong Saik**



Thr. SPA Arvinder Singh Vs. State; Crl.M.C. No. 3576/2011,
speaking for this Court Suresh Kait J, *inter alia*, observed as under:

“37. Be that as it may, I find force in the submission of the Id. Counsel for the petitioner that he has a protection envisaged under section 45 (d) of the Arms Act, 1959 in which the acquisition or possession of minor parts of arms or ammunition have been stipulated.

38. In the present case, single live cartridge which is found without any fire arm and specially at the stage when he was to leave this country to his native country. 39. The case of the prosecution is not that he extended any threat to any of the authority or the fire arms or ammunition was found with any of this group persons including his own son who was travelling with him”

11. I am in respectful agreement with the view taken in the aforesaid judgment and see no reason why its benefit should not be accorded to the petitioner herein.

12. Conceded case of the prosecution here, as already noted, is that other than the live cartridge no other incriminating material or any fire arm was recovered from the petitioner. He is stated to be a man of clean antecedents and has no criminal history of any kind. In fact, it is stated that the petitioner is a poor labourer, who works as welder in Dubai and unwittingly found himself in the unfortunate situation at the airport without having any knowledge or intention of possessing or carrying the cartridge, found in the used trousers which he had purchased.

13. As an upshot the petition is allowed and the impugned FIR No.



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355/2024 dated 20.05.2024, under Section 25 Arms Act, 1959 registered at Police Station IGI Airport along with consequential proceedings against the petitioner are quashed.

ARUN MONGA, J

AUGUST 7, 2025/SV