



\$~15

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

+ **CRL.M.C. 3239/2025, CRL.M.A. 14276-14277/2025**

KAVITA DRALL

.....Petitioner

Through: Mr. Sunil Kr. Sharma, Advocate with
Petitioner in person.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for State
with Mr. Sudhir Sharma, Insp. and
Mr. Sudesh, SI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
09.07.2025

%

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 0001/2020, dated 22nd January, 2020, registered under Sections 25, 54 and 59 of the Arms Act, 1959³, at P.S. Metro Police Station Nangloi, and all proceedings emanating therefrom.

2. Briefly, the case of the prosecution is as follows:

2.1. On 22nd January, 2020, while being posted at Delhi Metro Station at Mundka, HC Deshraj saw a female passenger put her brown coloured handbag in the X-Bis machine during the security check, which upon

¹ "BNSS"

² "Cr.P.C."

³ "Arms Act"



scanning indicated the presence of a suspicious looking rod-like object. HC Deshraj informed the shift in-charge Sub-Inspector, who asked a woman constable to conduct frisking of the female passenger. Thereafter, her bag was checked where, in a small purse, a single brass live cartridge ammunition was found having 'KF-32 SBWL' engraved at the bottom. Upon measuring, the said cartridge was found to be 3.5 cm in length and 1cm in width. The said cartridge was seized *vide* a seizure memo and was sent to FSL. Thereafter, the subject FIR was registered against the Petitioner under Section 25, 54 and 59 of the Arms Act.

2.2. During investigation, the Petitioner was apprehended and interrogated, wherein she told the investigators that she had gone to a relative's wedding where her son picked up the cartridge from somewhere. On being told of the same, the Petitioner took the object from him and kept it in her bag and forgot to take it out later. The FSL report confirmed that the recovered cartridge was a live ammunition which can be fired through a 32" caliber revolver. Subsequent to the investigation, a chargesheet has also been filed against the Petitioner under the Sections 25, 54 and 59 of the Arms Act.

2.3. During the course of trial proceedings, the Petitioner was granted anticipatory bail by the Trial Court *vide* order dated 12th February, 2020 and has been on bail since.

3. Counsel for the Petitioner submits that the Petitioner is a peace loving and law abiding citizen who works as a nurse in a hospital. He states that the criminal proceedings against the Petitioner are misuse of state machinery as the Petitioner is completely innocent and was not even aware that she was in possession of a live ammunition, which inadvertently was left in her



handbag after her son had found the same at a wedding. He emphasises that the Petitioner was not even aware that the ammunition was in her bag and thus, was not in conscious possession of the same. He further highlights that there was no gun recovered from her or at her instance and the recovery of the single ammunition from the Petitioner's bag when she was at the security check at a metro station was purely accidental.

4. The Petitioner who is present before the Court in person and has been identified by the Investigating Officer states that she had gone to a family wedding where her minor child, who was 13 years of age at the time, found the small cylindrical cartridge and showed it to her. Thinking that the same was a fake cartridge, she simply put the same in her bag and forgot about it. Thereafter, on 22nd January, 2020, the cartridge was discovered laying in her bag when she was placed her bag in the X-ray scanner at the metro station at Nangloi, leading to her apprehension and the subsequent filing of the FIR.

5. The Court has considered the submissions advanced. The Petitioner, a nurse from a modest background, does not hold a firearm license. It seems that the ammunition, which was found at a wedding by the Petitioner's minor son, was left in her baggage due to an unintentional oversight. She was unaware of its presence until security officers discovered it during the security screening at the Metro Station. Given these facts, it is reasonable to conclude that the Petitioner did not knowingly possess the ammunition.

6. This Court in ***Sonam Chaudhary v. The State (Government of NCT of Delhi)***,⁴ ***Mitali Singh v. NCT of Delhi and Anr.***,⁵ as well as ***Rahul***

⁴ 2016 SCC Online Del 47.

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



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.’

7. The concept of ‘conscious possession’ requires not only physical possession of an object but also awareness 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. Her explanation, that she didn’t realize the ammunition was real and that it was mistakenly left in her bag, is believable. No firearm was found with her, and there’s no claim that she used or intended to use the ammunition in any harmful way. It is thus evident that the Petitioner had no knowledge of the presence of the ammunition in her baggage.

8. The Arms Act imposes strict criminal liability, which must be interpreted carefully. The absence of any incriminating circumstances in the present case reinforces the conclusion that the Petitioner does not fall within the mischief sought to be prevented by the statute. Consequently, no offence under Section 25 of the Arms Act is made out against the Petitioner.

9. Furthermore, the Petitioner does not have any prior criminal antecedents, and thus, in the opinion of the Court, the continuation of proceedings in the impugned FIR in such circumstances would serve no legitimate purpose other than subjecting her to undue harassment and prolonged litigation. The Supreme Court has repeatedly opined 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

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



sustain the prosecution, allowing the proceedings to continue would be a miscarriage of justice.

10. 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 especially considering that the cartridge was found on 22nd January, 2020, when the security protocol at Metro Stations was heightened in lieu of the Republic Day celebrations. 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.

11. In view of the above, the impugned FIR No. 0001/2020, dated 22nd January, 2020, registered under Sections 25, 54 and 59 of the Arms Act, at P.S. Metro Police Station Nangloi, is hereby quashed, subject to payment of cost of INR 10,000/- with the Delhi Police Welfare Fund, by the Petitioner.

12. The proof of deposit be placed on record within a period of four weeks from today.

13. With the above directions, the present petition is disposed of.

SANJEEV NARULA, J

JULY 9, 2025

nk