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

+ **CRL.M.C. 3762/2025**

JANMAJAY SINGH GULERIA

.....Petitioner

Through: Mr. M.P. Sinha, Mr. Yatharth Sinha,
Mr. Hitesh Thakur, Mr. Neeraj
Kanwar, Ms. Bhavya Razshree and
Mr. Ankit Kumar, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Hitesh Vali, APP for State with
SI Pratima, PS-IGI Airport.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

17.12.2025

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1. This 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. 312/2025 dated 14th April, 2025, registered at P.S. IGI Airport, Delhi, under Section 25 of Arms Act, 1959³, and all consequential proceedings emanating therefrom.

2. The prosecution case is that in the early hours of 14th April, 2025, during screening of hand baggage at X-BIS-06, International SHA, Terminal-3, IGI Airport, New Delhi, an image showing suspected ammunition was flagged by security staff. The hand baggage belonged to

¹ "BNSS"

² "CrPC"

³ "Arms Act"



the Petitioner, Mr. Janmajay Singh Guleria, who was scheduled to travel from Delhi to Singapore by Indigo flight No. 6E-1013. Upon physical examination of the bag in the presence of the Petitioner, one live ammunition cartridge was recovered. 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 14th April, 2025 and the impugned FIR was registered.

3. Counsel for the Petitioner submits that the Petitioner was not in conscious possession of the recovered live cartridge. It is contended that the Petitioner is a licensed arms and ammunition holder, holding a valid arms licence issued by the Additional District Magistrate, Kangra, Himachal Pradesh. The presence of the single live cartridge in his hand baggage was entirely inadvertent and without his knowledge, having been left by mistake in the bag. At the time of travel, the Petitioner was proceeding abroad to participate in an official programme titled “International Exposure Visit for Teachers to Singapore”, organised by the Director of Higher Education. It is further submitted that no firearm was recovered from the Petitioner, there was no attempt at concealment, and the recovery was purely accidental, devoid of any criminal intent.

4. The Court has considered the aforesaid facts and submissions. The State has filed a status report, along with a copy of the verification reply from the Additional District Magistrate, Kangra, confirming the Petitioner’s arms and ammunition licence. It is also undisputed that only one live cartridge was recovered and that no firearm was found in the possession of the Petitioner. The explanation offered by the Petitioner, that the cartridge was inadvertently left in his bag and that he had no knowledge of its



presence, remains uncontroverted and is supported by the subsequent licence verification. In these circumstances, the material on record does not disclose conscious or unlawful possession on behalf of the Petitioner so as to attract the rigours of Section 25 of the Arms Act.

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*'⁴.

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

⁴*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.*



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 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. 312/2025 dated 14th April, 2025, registered at P.S. IGI Airport, Delhi, under Section 25 of Arms Act, 1959⁵, and all consequential proceedings emanating therefrom, are hereby quashed subject to payment of cost of INR 10,000/- to the Delhi Police Welfare Fund, within a period of four weeks from today. Proof of payment be deposited with the concerned IO within 2 weeks thereafter.

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

⁵ "Arms Act"



11. With the above directions, the present petition is disposed of along with pending application(s), if any.

SANJEEV NARULA, J

DECEMBER 17, 2025

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