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

+ **CRL.M.C. 4205/2025**

PRABHAKAR SARASWATHY ALIAS SARASWATHY
PRABHAKARPetitioner

Through: Mr. Sumit Srivaastava, Mr. Avinash Mishra, Mr. Satyam Sinha, Advs. with the petitioner in person

versus

THE STATE (NCT OF DELHI)Respondent

Through: Mr. Satish Kumar, APP for State along with SI Amit Kumar, Police Station IGI Airport

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER (Oral)
02.12.2025

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1. This petition has been filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [hereinafter BNSS] praying for quashing of FIR no. 406/2025 registered at Police Station IGI Airport, under Section 25 of the Arms Act, 1959.
2. The contents of the subject FIR reveal that on 29.05.2025 at around 6.41 am, the petitioner's baggage was searched at IGI airport on suspicion of the presence of ammunition. During physical search of her baggage, one (01) ammunition was recovered, for which the petitioner was asked to produce valid documents for the recovered ammunition.
3. However, the petitioner was not found to be in possession of valid



documentation for the carriage of stated ammunition. Therefore, the subject FIR came to be registered.

4. Mr. Sumit Srivaastava, learned Counsel appearing on behalf of the Petitioner, submits that the petitioner is a schoolteacher and had visited San Francisco, USA, to attend her son's marriage, and that it was on her way back when she had landed in Delhi to catch her next flight to Chennai that she was stopped and apprehended with the single live cartridge in her sewing kit.

5. Mr. Srivaastava further submits that the petitioner was the Scouts in Charge in the school where she was employed as a teacher, and she had retained the cartridge after finding it to show her students.

6. The petitioner who appears on VC was asked for her justification as to why the cartridge was present in her travel bag, to which she answers that she had placed it in her sewing kit a long time ago and had carried the sewing kit in case the need to mend her clothes arose while attending her son's marriage.

7. Mr. Srivaastava prays that the subject FIR be quashed, owing to the lack of antecedents of the petitioner, her deep roots in the society as a school teacher and a family woman, and submits that there was no *mens rea* on her part to commit an offence, and her possession of the single cartridge was not conscious in nature.

8. Mr. Satish Kumar, learned APP for the State, submits that an FSL report is pending in the matter and the same would be required for him to advance further submissions.

9. Heard and perused.

10. Admittedly, 01 live cartridge have been recovered from the



possession of the petitioner at IGI airport, New Delhi, while she was travelling from San Francisco, USA, to Chennai, India.

11. Section 25(1)(a) of the Arms Act, 1959, lays down a pre-requisite which ought to be satisfied for an act to constitute an offence under the said provision. This pre-requisite is the element of conscious possession/intent, as held by the Hon'ble Supreme Court in *Gunwant lal v State of Madhya Pradesh*, (1972) 2 SCC 194.

12. A co-ordinate bench of this court in *Gaganjot Singh v State*, MANU/DE/3227/2014, while examining a similar matter, held that where a solitary cartridge had been recovered from the petitioner, and his possession was proved to be lacking an element of consciousness, this Court quashed the subject FIR for want of conscious possession of the single cartridge.

13. This Court observes that the circumstances in which the single live cartridge was recovered from the petitioner's possession has been sufficiently explained. Furthermore, the petitioner has strong roots in society by virtue of her being employed as a teacher who had embarked to the USA to attend her son's marriage, coupled with her lack of criminal antecedents.

14. This conclusion is buttressed by her explanation of having forgotten the cartridge in her sewing kit, and the fact that she was Scouts-in-charge at the school in which she taught.

15. In light of the aforesaid judgments, and for sufficient cause being shown in the petition as well as submissions advanced by the petitioner along with her counsel, this Court is persuaded that the subject FIR does not meet the threshold of conscious possession to make out an offence under Section 25 of the Arms Act, 1959.

16. Therefore FIR no. 406/2025 registered at Police Station I.G.I Airport



under Section 25 of the Arms Act, 1959, along with all proceedings emanating therefrom, stands quashed *qua* the present petitioner.

17. Pending applications, if any, stand disposed of.

AJAY DIGPAUL, J

DECEMBER 2, 2025

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