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

+ **W.P.(CRL) 3421/2023**

RAMJEET SINGH

.....Petitioner

Through: **Mr. Aamir Chaudhary, Advocate.**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Ms. Rupali Bandhopadhyaya, ASC for
State with Mr. Abhijeet Kumar,
Advocate for State.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

15.04.2025

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[This case is being taken up today as 14th April, 2025 was declared a holiday on account of Ambedkar Jayanti vide Notification dated 7th April, 2025]

1. The present petition under Article 226 of the Constitution of India, 1950 read with Section 482 of the Code of Criminal Procedure, 1973 seeks quashing of FIR No. 533/2023 registered at P.S. IGI Airport for the offence under Section 25 of the Arms Act, 1959.

2. Briefly stated, the case of the Prosecution is as follows:

2.1 On 31st August, 2023, a written complaint was received at P.S. IGI Airport, alleging that during security screening conducted on the said date, the scanned image of the Petitioner's baggage, bearing tag number 6E-643378, raised suspicion regarding the presence of 8 ammunitions. Pursuant to this, a physical search of the baggage was carried out, resulting in the recovery of the said ammunition. The Petitioner was accordingly asked to



produce valid documentation authorizing the possession and carriage of the recovered ammunition. However, he failed to produce any such valid documents, leading to the registration of the impugned FIR and seizure of the ammunition.

2.2 During the course of interrogation, the Petitioner disclosed that he was a valid arms licence holder of the state of Uttar Pradesh. He further stated that he was unaware of the prohibition on carrying ammunition at the airport. In support of his claim, he produced a copy of Arms Licence No. 297/PI GS AMROHA, pursuant to which his arrest was deferred. Subsequent verification from the office of the District Magistrate, Amroha, confirmed that the said licence had indeed been issued in the name of the Petitioner, and remains valid up to 16th March, 2028.

3. Counsel for the Petitioner submits that the Petitioner is presently serving as a Food Safety Officer with the Food Safety and Drugs Administration, Uttar Pradesh. He states that the Petitioner is a valid arms licence holder, and the ammunition recovered from his baggage pertains to the said licence, which had been issued for purposes of personal safety. Counsel further submits that the recovered cartridges were inadvertently left inside the baggage, and the Petitioner, being unaware of their presence, carried the same to the airport. He further emphasizes that the Petitioner was not in conscious possession of the said ammunition, and that their recovery was purely accidental, resulting from an oversight in not thoroughly checking his bag before reaching the airport.

4. The Court has carefully considered the submissions advanced. The Petitioner's arms license has been verified by the State. It appears that the ammunition was inadvertently left in his baggage due to an unintentional



oversight. The Petitioner remained unaware of its presence until it was detected by security personnel during screening at the airport. Considering these circumstances, it can be reasonably inferred that the Petitioner's possession of the ammunition does not fall within the ambit of "conscious possession".

5. This Court in *Sonam Chaudhary v. The State (Government of NCT of Delhi)*,¹ *Mitali Singh v. NCT of Delhi and Anr.*,² as well as *Rahul Mamgain v. State of NCT of Delhi and Anr.*,³ 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 principles laid down in the aforementioned cases, are applicable to the present cases. The doctrine of conscious possession requires not only physical possession, but also awareness and intent, neither of which are established here. 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 Petitioner possesses a valid arms license and his explanation that the ammunition was mistakenly left in his bag, is indeed plausible. Moreover, no firearm was recovered from the Petitioner, and there is no allegation that he attempted to use the ammunition in any manner that posed a threat to public safety. It is thus evident that the Petitioner had no knowledge of the presence of the ammunition in his baggage. The criminal liability under the Arms Act is stringent and must be construed strictly. The absence of any incriminating circumstances reinforces the conclusion that the Petitioner does not fall

¹ 2016 SCC Online Del 47.

² W.P.(Crl.) 2095/2020, decided on 15th December, 2020.



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.

7. The Petitioner has no criminal antecedents, and the continuation of proceedings in the impugned FIR in such circumstances would serve no legitimate purpose other than subjecting him 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 sustain the prosecution, allowing the proceedings to continue would be a miscarriage of justice.

8. The Court is of the opinion that, although no grounds for prosecution are made out against the Petitioner, his lack of due care has resulted in the unnecessary involvement of 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 FIR is being quashed, the Court considers it appropriate to impose costs on the Petitioner in the interest of justice.

9. In view of the above, the impugned FIR No. 533/2023 registered at P.S. IGI Airport, New Delhi under Section 25 of the Arms Act is hereby quashed, subject to payment of cost of INR 25,000/- with the Delhi Police Welfare Fund, by the Petitioner.

10. The proof of deposit be placed on record within a period of 15 days from today.

³ CrI. M.C. 3783/2022 decided on 17th August, 2022.



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

SANJEEV NARULA, J

APRIL 15, 2025

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