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

+ **W.P.(CRL) 2260/2025 & CRL.M.A. 21072/2025**

RAVIKANT GARG

.....Petitioner

Through: Mr. Vikas Kr. Gautam, Advocate.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel
with Mr. Aryan Sachdeva, Mr.
Abhinav Kumar and Mr. Priyam
Agrawal, Advocates for the State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

23.07.2025

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1. Issue notice. Mr. Sanjay Lao, Standing Counsel, accepts notice. Considering the nature of the relief sought, no reply is deemed necessary as the facts are admitted by the parties.
2. The present petition filed under Article 226 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 22/2024³ registered under Sections 30 of the Arms Act, 1959,⁴ at P.S. Domestic Airport, IGI Airport and all consequential proceedings emanating therefrom.

¹ "BNSS"

² "Cr.P.C"

³ "the impugned FIR"

⁴ "the Arms Act"



3. The case of the prosecution is that on 25th April, 2024, 11 ammunitions. i.e., a live cartridge (2.7 cms in length and 9 mm diameter) was detected inside the Petitioner's luggage at the IGI Domestic Airport when he was travelling from Delhi to Madurai *via* an Indigo flight bearing No. 6E6639. The Petitioner was not in possession of the valid documents required for carrying the aforesaid ammunition. Consequently, the impugned FIR was registered against the Petitioner.

4. Counsel for the Petitioner submits that although the Petitioner possesses a valid firearm license, he was not in conscious possession of the live ammunition found in his luggage and had no knowledge of its presence.

5. The Court has considered the afore-noted facts and submissions. The Petitioner holds a valid arms license, although he was not carrying it at the time of incident. He remained unaware of the live ammunition until it was discovered by security personnel during a physical inspection of his bag. In light of these circumstances, it appears that the Petitioner did not knowingly possess the ammunition.

6. This Court in *Sonam Chaudhary v. The State (Government of NCT of Delhi)*,⁵ *Mitali Singh v. NCT of Delhi and Anr.*,⁶ as well as *Rahul Mamgain v. State of NCT of Delhi and Anr.*,⁷ 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

⁵ 2016 SCC Online Del 47.

⁶ W.P.(Crl.) 2095/2020, decided on 15th December, 2020.



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.

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 30 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 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.

10. 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 vigilance. 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. 22/2024 and all proceedings emanating therefrom, are hereby quashed, subject to payment of

⁷ CrI. M.C. 3783/2022 decided on 17th August, 2022.



cost of INR 25,000/- with the Delhi Police Welfare Fund, by the Petitioner.

12. The proof of payment shall be deposited with the concerned Investigating Officer within a period of 15 days from today.

13. With the above directions, the present petition is disposed of, along with pending application.

SANJEEV NARULA, J

JULY 23, 2025

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