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

+ **W.P.(CRL) 3837/2023**

NANDA BALLABH BHATT

.....Petitioner

Through: Mr. Vikas Nain, Ms. Laxmi
Muneshwar and Ms. Aakanshi Rawat,
Advocates.

versus

STATE OF NCT OF DELHI THROUGH SHO PS IGI AIRPORT

.....Respondent

Through: Mr. Sanjay Lao, SC for State with
Mr. Aryan Sachdeva and
Mr. Abhinav Kr. Arya, Advocates.
SI Ekta, PS-IGI Airport.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **11.12.2025**

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. 756/2023³ dated 9th December, 2023, registered at P.S. IGI Airport, Delhi, under Section 30 of Arms Act, 1959⁴ and all consequential proceedings emanating therefrom.
2. The case of the prosecution against the Petitioner is that on 09th December, 2023, during security screening at IGI Airport, Delhi, 11 live

¹ "BNSS"

² "CrPC"

³ "the impugned FIR"

⁴ "Arms Act"



cartridges (.32 KF SWL) were recovered from the hand bag of the Petitioner, Mr. Nanda Ballabh Bhatt, who was scheduled to travel to Pune. The recovery was made after suspicious images were noticed during X-ray screening and the bag was physically checked in his presence. The accused was unable to produce any valid licence permitting carriage of ammunition at the airport. The recovered cartridges were seized and, a *prima facie* case under Section 30 of the Arms Act being made out, the present FIR was registered. The accused was served notice under Section 41A Cr.P.C. and joined the investigation. He produced a licence valid only within the State of Uttarakhand. The seized cartridges were sent for forensic examination and verification of the licence was sought from the competent authority.

3. Counsel for the Petitioner submits that the Petitioner was not in conscious possession of the 11 live cartridges recovered from his hand baggage at IGI Airport, Delhi. It is contended that the cartridges were inadvertently left in the bag as a result of oversight and without any knowledge or intention on the part of the Petitioner. It is further submitted that the Petitioner himself is a valid arms licence holder and a retired Inspector of Police from the State of Uttarakhand. The Petitioner asserts that there was no attempt at concealment, no accompanying firearm was recovered, and the recovery occurred only during routine X-ray screening, which negates any inference of *mens rea* or unlawful intent.

4. The Court has considered the aforesaid facts and submissions. The State has filed a supplementary status report confirming that the arms licence of the Petitioner, bearing no. LN34055A7A2FA22/193/GII/PS BAZPUR/USN/2022, has been verified from the competent authority and found to be genuine, valid till 30th December, 2027, though limited to the



territorial jurisdiction of the State of Uttarakhand. It has also been confirmed that the recovered cartridges are live ammunition as per the FSL report.

5. The undisputed position is that 11 live cartridges were recovered from the Petitioner's baggage during security screening at IGI Airport. However, in light of the material on record, including the Petitioner's status as a licensed arms holder and the absence of any firearm or other incriminating circumstances, the explanation of inadvertent possession due to oversight stands substantiated. Mere recovery of ammunition, without proof of conscious and unlawful possession, does not by itself establish the commission of an offence under the Arms Act.

6. 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'.⁵

7. 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 cartridges.

⁵*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.*



8. 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 of the recovery reinforce the conclusion that no offence under Section 30 of the Arms Act is made out.

9. 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.

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 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.

11. Accordingly, the impugned FIR No. 756/2023, registered at P.S. IGI

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



Airport, Delhi, under Section 30 of Arms Act and all consequential proceedings emanating therefrom are hereby quashed subject to payment of cost of INR 10,000/-, to be deposited with the Delhi Police Welfare Fund, by the Petitioner. Proof of deposit be placed on record within a period of 4 weeks from today.

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

SANJEEV NARULA, J

DECEMBER 11, 2025

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