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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3405/2025**

ERLANBEK ABDILLAEV

.....Petitioner

Through: **Mr. Laxmi Muneshwar and Ms. Akanshi Rawat, Advocates.**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Sanjay Lao, SC (Crl.) with Ms. Priyam Agarwal, Mr. Abhinav Kr. Arya and Mr. Aryan Sachdeva, Advocates for State.**

SI Ashok Kumar, P.S. IGI Airport.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

16.10.2025

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1. The present 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. 0465/2025 dated 28th June, 2025, registered at P.S. IGI Airport, Delhi under Section 25 of Arms Act, 1959³ and all consequential proceedings emanating therefrom.

2. The case of the prosecution is that on 28th June, 2025, at around 08:55 AM, during the screening of baggage at Level-2, Terminal-3, IGI Airport, New Delhi, suspicion arose regarding the presence of undeclared ammunition. The said baggage belonged to one Erlanbek Abdillaev, the present Petitioner, who was scheduled to travel from Delhi to Kyrgyzstan by Aero Nomad Flight No. KA-4578 on the same day. It is alleged that upon physical search of the baggage at Level-4 at around 10:15 AM, in the

¹ "BNSS"

² "CrPC"

³ "Arms Act"



presence of the passenger and airline staff, one live cartridge was recovered. The cartridge measured approximately 2.7 cm in length and 0.1 cm in diameter. The same was seized, sealed in a Pulinda, and taken into police possession. The Petitioner failed to produce any valid licence, authority, or document permitting the possession or carriage of the said ammunition within the premises of the Airport. Thereafter, on the complaint of Mr. Amir Khan, Senior Associate, DIAL Security and Vigilance, Terminal-3, the matter was reported to P.S. IGI Airport, Delhi, wherein he identified both the cartridge and the accused Petitioner. Consequently, the impugned FIR was registered against the Petitioner.

3. Counsel for the Petitioner submits that Petitioner was not in conscious possession of the live ammunition found in his luggage. He had no knowledge, intention, or criminal intent (*mens rea*) to possess or transport any ammunition.

4. The Court has considered the afore-noted facts and submissions. Since the Petitioner does not have any arms license, no verification is required to be done. The undisputed position is that a single cartridge was recovered from the Petitioner's baggage during screening at IGI Airport. The mere recovery of one cartridge, in the absence of any accompanying firearm or other incriminating material, does not by itself establish that the Petitioner was in conscious and unlawful possession of ammunition. The material before the Court indicates that the Petitioner was unaware of the cartridge until its detection by airport security, and there is nothing to suggest otherwise.

5. This Court, in a catena of decisions such as ***Sonam Chaudhary v. The***



*State (Government of NCT of Delhi)*⁴, *Mitali Singh v. NCT of Delhi and Anr.*⁵, as well as *Rahul Mamgain v. State of NCT of Delhi and Anr.*⁶, 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 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 of the recovery reinforce the conclusion that no offence under Section 25 of the Arms Act is made out.

⁴ 2016 SCC OnLine Del 47.

⁵ W.P.(Crl) 2095/2020, decided on 15th December, 2020.



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. 0465/2025 dated 28th June, 2025, registered at P.S. IGI Airport, Delhi under Section 25 of Arms Act, 1959 and all consequential proceedings emanating therefrom are hereby quashed, subject to payment of cost of INR 10,000/- with the Delhi Police Welfare Fund, by the Petitioner.

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

SANJEEV NARULA, J

OCTOBER 16, 2025/as

⁶ Crl. M.C. 3783/2022, decided on 17th August, 2022.