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

+ **W.P.(CRL) 3583/2024**

SATPAL DESHWAL

.....Petitioner

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

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC with Mr.
Arjit Sharma and Ms. Sakshi Jha,
Advocates for the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

12.12.2025

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1. The Present Writ Petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as "BNSS"*) [*corresponding to Section 482 of the Code of Criminal Procedure (CrPC), 1973*] on behalf of the **Petitioner/Satpal Deshwal** seeking quashing of FIR No.0021/2022 under Section 25 of the Arms Act, 1959 registered at Police Station I.G.I. Airport New Delhi.
2. ***Briefly stated***, on 13.01.2022, at around 1825 hrs, while travelling from New Delhi to Doha by Qatar Airways Flight No. QR-581, the Petitioner's baggage was flagged during X-ray screening on suspicion of containing ammunition. Upon physical checking, five (5) live cartridges were recovered from the Petitioner's bag.



3. Thereafter, the present FIR No.0021/2022 was registered on 14.01.2022, based on the Complaint of an officer, posted at I.G.I. Airport Security, namely Sh. Amit Khatri.
4. It is submitted by the Petitioner that he had no prior knowledge of the same. The Petitioner later realized that the cartridges had been inadvertently left behind by his late father, who used the same family bag and had not cleaned it before handing it over to the Petitioner. Furthermore, the Petitioner's father (now deceased) held a valid arms licence issued in the State of Haryana which was valid up to 27.11.2025.
5. It is submitted that due to the rush to board the flight, the Petitioner could not thoroughly inspect the bag, resulting in the inadvertent presence of the five cartridges.
6. It is submitted that the Petitioner is a well-educated, responsible, law-abiding citizen with deep roots in society and has never been involved in any criminal case.
7. Furthermore, there is no *mens rea* on the Petitioner's part. He made no attempt to conceal the cartridges and voluntarily submitted his bag for X-ray screening. Reliance is placed on the Apex Court case of Gunwantlal vs. State of M.P., (1972) 2 SCC 194.
8. It is submitted that the Petitioner was not in conscious possession of the ammunition; the cartridges were left in the bag inadvertently. The Petitioner failed to thoroughly check the bag before packing.
9. Reliance is placed on the Constitution Bench judgment of the Hon'ble Supreme Court in Sanjay Dutt vs. State, (1994) 5 SCC 410, wherein it was held that the word "possession" necessarily implies conscious possession, even if the statute does not use the word "knowingly".



10. Reliance is also placed on the Division Bench of the Bombay High Court, in Nurit Toker vs. State of Maharashtra, 2012 BomCR (Cri) 154, relying on Sanjay Dutt, (supra), quashed proceedings where two live cartridges were found in a passenger's baggage, holding that there was no conscious possession.

11. Reliance has been placed on William Michael Hurtubise vs. State of Odisha, 117 (2014) CLT 303; Hari Kishan vs. State (NCT of Delhi), CrI.M.C. 3865/2016 (decided on 31.05.2019).

12. It is submitted that no firearm or weapon was recovered from the Petitioner except the five live cartridges. Thus, there was no threat posed at the airport to the public or the authorities. The cartridges could not have been used for any unlawful purpose without a firearm, nor do they possess meaningful standalone market value.

13. *Thus, a prayer is made to quash the present FIR.*

14. The **Status Report has been filed on behalf of the Respondent/State** wherein the facts leading to the present FIR have been detailed.

15. It is stated that the present FIR was lodged after airport security flagged baggage ID 0157736514 on 13.01.2022 due to suspected ammunition. At 09:05 PM, on physical inspection at Level-4, five (5) live cartridges were recovered in the presence of the Petitioner and airline staff.

16. The baggage belonged to the Petitioner who was to travel from Delhi to Doha on Qatar Airways flight QR-581. When asked for valid documents for carrying ammunition, the Petitioner stated he was not in possession of any valid documents, thus, leading to the registration of the FIR and initiation of investigation.



17. During investigation, the Petitioner disclosed that the cartridges belonged to his late father, who had a valid arms licence. He also produced a copy of licence No. 38/XI/DM/JJR/1999 issued to his father, Sh. Puran Singh, who had passed away on 12.11.2022. The Petitioner also submitted an acknowledgement dated 17.10.2022 confirming that the licensed weapon was deposited at PS Sadar.

18. It is further stated the recovered cartridges were sent to FSL Rohini for examination, and the report is awaited.

19. A Notice under Section 94 BNSS was sent to SDM Jhajjar for licence verification, and the reply confirmed the licence details (issued in name of Sh. Puran Singh), validity (issued on 29.11.1999 and valid till 27.11.2025), and its territorial validity within Haryana.

20. The ***Ld. Public Prosecutor*** has vehemently opposed the Petition on the ground that the Petitioner was caught with *five live cartridges* which is an offence under the Arms Act.

Submissions heard and record perused.

21. Admittedly, five (5) live cartridges were recovered from the bag of the Petitioner during his baggage scanning at the I.G.I. Airport on 13.01.2022.

22. The pre-condition for an offence under the Arms Act, 1959 is the element of ***intention, consciousness or knowledge*** with which a person possessed the firearm before it can be said to constitute an offence, as held by the Constitution Bench of the Apex Court in Gunwant Lal vs. The State of Madhya Pradesh, (1972) 2 SCC 194.

23. In Ritesh Taneja vs. State and Anr., 2022 SCC OnLine Del 971, it has been explained by the Co-ordinate Bench of this Court that it is the



conscious possession of any firearm/ammunition which entails strict liability on the offender.

24. While deciding a similar matter, co-ordinate bench of this court in Mitali Singh vs. NCT of Delhi & Anr., decided 15.12.2020, W.P.(CRL) No. 2095/2020, observed, “*The courts have in a number of decisions held that the conscious possession of an ammunition is sine qua non to prosecute the possessor under the Arms Act, 1959.*”

25. In Sanjay Dutt vs. State through CBI Bombay, (1994) 5 SCC 410, the Constitution Bench of the Apex Court had reiterated as under: -

“The meaning of the first ingredient of “possession” of any such arms etc. is not disputed. Even though the word ‘possession’ is not preceded by any adjective like ‘knowingly’, yet it is common ground that in the context the word ‘possession’ must mean possession with the requisite mental element, that is, conscious possession and not mere custody without the awareness of the nature of such possession. There is a mental element in the concept of possession. Accordingly, the ingredient of ‘possession’ in Section 5 of the TADA Act means conscious possession. This is how the ingredient of possession in similar context of a statutory offence importing strict liability on account of mere possession of an unauthorized substance has been understood. (See Warner v. Metropolitan Police Commissioner, (1969) 2 A.C. 256 and Sambasivam v. Public Prosecutor, Federation of Malaya, (1950) AC 458.”

26. In Gaganjot Singh vs. State, MANU/DE/3227/2014, the co-ordinate Bench of this Court in similar facts, where a solitary live cartridge was recovered by the police from the Petitioner’s bag which belonged to his uncle about which he expressed his lack of knowledge, it was held that the



circumstances did not establish *conscious possession*. Relying on the decision in Gunwantlal, (supra), the FIR was quashed, and the Petitioner was discharged.

27. Similar, observations have been made consistently by the Co-ordinate Bench of this Court in Narinderjit Kaur Singh vs. State (NCT of Delhi), decided *vide* W.P.(CRL) 1669/2017 and Nimesh Kumar vs. State of NCT of Delhi, decided *vide* W.P.(CRL) 3540/2017.

28. The circumstances in which the five (5) cartridges were recovered have been duly explained by the Petitioner. He stated that he was completely unaware of the presence of the cartridges in his baggage. The ammunition belonged to his late father, who held a valid arms license (as confirmed by the Status Report). The Petitioner was using his father's old luggage and, due to an inadvertent oversight, failed to thoroughly check the bag before packing his belongings. The cartridges remained unnoticed in the baggage, ultimately leading to the present case.

29. The circumstances as explained by the Petitioner, clearly establish that there was *no criminal intent on his part*. It can be inferred that presence of the cartridges in the bag was without the knowledge of the Petitioner and he did not have the requisite *men rea*. It is thus, held that the possession of five cartridges was not *conscious possession* and does not disclose commission of any offence punishable under Section 25 of the Arms Act, 1959.

30. Accordingly, ***FIR No. 0021 / 2022 under Section 25 of the Arms Act, 1959*** at PS I.G.I. Airport and all consequential proceedings emanating therefrom, are quashed.



31. The Petition along with Pending Application (s), if any, is disposed of.

NEENA BANSAL KRISHNA, J

DECEMBER 12, 2025/RS