



\$~58 (25.11.2025)

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

+ CRL.M.C. 8414/2025

AMIT PRATAP SINGH

.....Petitioner

Through: Mr. Shyam Singh Chauhan and Mr.
Rishab Panchal, Advocates along
with the Petitioner.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Hitesh Vali, APP for State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **26.11.2025**

[The matter has been taken up today as 25th November, 2025 was declared a holiday on account of 350th anniversary of "Guru Teg Bahadur's Martyrdom Day"]

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. 322/2024 dated 03rd May, 2024, registered at P.S. IGI Airport, Delhi, under Section 30 of the Arms Act, 1959³, and all consequential proceedings emanating therefrom.
2. The case of the prosecution, in brief, is that on 03rd May, 2024, at around 04:40 PM, during the screening of baggage at X-BIS No. 01 in the

¹ "BNSS"

² "CrPC"

³ "Arms Act"



Domestic Security Hold Area (SHA) at Terminal-3, IGI Airport, the screening personnel noticed the image of suspected ammunition in the hand baggage of one Mr. Amit Pratap Singh, the present Petitioner, who was scheduled to travel to Indore by Flight No. UK-911. It is alleged that upon referral of the baggage for physical check, one live cartridge was recovered. The Petitioner was unable to produce any valid license or authorization permitting possession or carriage of the ammunition at the relevant time. The matter was reported by SI/Exe Devender of CISF to the Duty Officer, P.S. IGI Airport, who identified both the cartridge and the Petitioner. Later, he produced a copy of his license. On these allegations, *prima facie*, an offence under Section 30 of the Arms Act was found to be made out, and the impugned FIR came to be registered.

3. Counsel for the Petitioner submits that although the cartridge was recovered from his baggage, the Petitioner was not in conscious possession of the ammunition and had no knowledge of its presence. The Petitioner has also placed on record his License for the Possession of Arms and Ammunition, issued by the Additional District Magistrate, District Bhind, Madhya Pradesh. The Petitioner 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. The State has confirmed the validity and genuineness of the Arms License of the Petitioner. The undisputed position is that a single cartridge was recovered from the Petitioner's baggage during screening at IGI Airport. However, 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

⁴ 2016 SCC OnLine Del 47.

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



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.

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. 322/2024 dated 03rd May, 2024, registered at P.S. IGI Airport, Delhi, and all consequential proceedings emanating therefrom, are hereby quashed, subject to payment of cost of INR 15,000/-, to be deposited with the Delhi Police Welfare Fund, by the Petitioner within a period of two weeks from today. Proof of deposit be

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



submitted before the Investigating Officer within 4 weeks thereafter.

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

SANJEEV NARULA, J

NOVEMBER 26, 2025/MK