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

+ **W.P.(CRL) 4282/2025**

MATTHEW GRANT

.....Petitioner

Through: Mr. Sumit Misra, Mr. Mayank
Sharma and Mr. Udath Singh, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, SC for State with
Mr. Abhinav Arya and Mr. Aryan
Sachdeva, Advs. with SI Madan Lal,
PS. Domestic Airport.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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23.12.2025

CRL.M.A. 38556/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No. 237/2025 dated 04.11.2025 registered at PS-Domestic Airport under Section 25 of Arms Act, 1959 and all consequential proceedings emanating therefrom.
4. The case set out in the present petition is that the petitioner is a US citizen and had travelled from US to New Delhi, from where he had to take a flight for Pune.
5. During the routine security screening of baggage at the airport, one live cartridge/ammunition was recovered from the petitioner's check-in baggage, which led to the registration of aforesaid FIR.
6. Mr. Sumit Misra, learned counsel for the petitioner submits that the



petitioner possess license of arm in US, therefore, inadvertently, one live cartridge was somehow left in his baggage, however, the petitioner was not in conscious possession of the same.

7. In view of the above, issue notice. Mr. Sanjay Lao, learned Standing Counsel for the State accepts notice.

8. With the consent of the parties, the matter is taken up for disposal at the stage of issuance of notice itself without calling for the counter-affidavit as the matter is stated to be covered by the various decisions of this Court.

9. At this stage, reference may be had to the decision of the Coordinate Bench of this Court in ***W.P.(Crl.) 633/2023, Mohd. Tarique Rehman v. State of NCT of Delhi*** wherein under similar circumstances, this Court had made following pertinent observations:

“6. Applying the same principles to the present case, it is evident that the Petitioner had no knowledge of the presence of the ammunition in his baggage. The doctrine of conscious possession requires not only physical possession but also awareness and intent, neither of which are established here. 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 Petitioner’s explanation, that the cartridge was mistakenly left in his bag by others who borrowed it, is plausible. Moreover, no firearm was recovered from the Petitioner, and there is no allegation that he attempted to use the ammunition in any manner that posed a threat to public safety. Given that criminal liability under the Arms Act is stringent and must be construed strictly, the absence of any incriminating circumstances further reinforces the conclusion that the Petitioner does not fall within the mischief sought to be prevented by the statute. Consequently, no offence under Section 25 of the Arms Act is made out against the Petitioner.

7. Additionally, the Petitioner has no criminal antecedents, and the registration of an 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 manifest miscarriage of justice.”

10. The aforesaid decisions squarely lays down that where the accused is not in conscious possession of the ammunition/live cartridge, he or she cannot be prosecuted for the offence under Section 25 of the Arms Act.

11. In the present case, a single live cartridge was recovered from the baggage of the petitioner without any corresponding arms. Further, no suspicious circumstances have been pointed out in the FIR which would indicate that the possession of cartridge was conscious.

12. In the given circumstances and regard being had to the aforesaid legal position exquisite by this Court in ***Mohd. Tarique Rehman*** (supra), it can be said that the petitioner was not in conscious possession of the cartridge. Accordingly, he cannot be prosecuted for the offence under Section 25 of the Arms Act.

13. This being the position, FIR No. 237/2025 dated 04.11.2025 registered at PS-Domestic Airport under Section 25 of Arms Act, 1959 along with all proceedings emanating therefrom is quashed.

14. Petition stands disposed of in above terms.

15. Pending application stands disposed of.

VIKAS MAHAJAN, J

DECEMBER 23, 2025/dss