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

% **Date of Decision: 14th May, 2026**

+ **CRL.M.C. 2459/2026 & CRL.M.A. 10028/2026**

HARBHAJAN SINGH

.....Petitioner

Through: Mr. Vijay Kasana, Mr. Chirag Verma
and Mr. Vaibhav Sharma, Advocates.

versus

STATE NCT OF DELHI AND ANR.

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP for the
State with SI Sachin Dabas.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. The present petition seeks quashing of FIR No.175/2024 dated 05.03.2024, registered at P.S. IGI Airport for commission of offence under Section 25 of *Arms Act*, 1959, along with all consequential proceedings emanating therefrom.
2. Briefly stated, the case of prosecution is that on 05.03.2024, the petitioner, who intended to travel from Delhi to London by Vistara flight, checked his baggage and when the image of his bag appeared on *inline baggage screening monitor*, it was suspected to be containing undeclared ammunition.
3. Such suspicion resulted in physical search and during search of his bag, five live cartridge with "32.5 & WL KF" engraved on the base were recovered and it was in the abovesaid backdrop of the facts that a case under Section 25 of *Arms Act*, 1959 was registered against the accused.
4. Petitioner seeks quashing of the abovesaid FIR, primarily, for the following reasons:-

a) The petitioner holds a valid arms license issued by the Licensing Unit, and the cartridges in question pertain to the same licensed



firearm of the petitioner.

b) The act of carrying the cartridge was not deliberate but occurred due to an oversight. The petitioner was not in conscious possession of the live cartridges and was completely unaware of the presence of the same in his luggage.

5. Learned Addl. P.P. for the State submits that as per the investigation conducted, it has come to fore that the petitioner is having a valid Arms License bearing No.DM/LDH/DUP/RAKT/0317/75, valid upto 13.11.2026 and seeks to place on record status report. It is taken on record. He also acknowledges that the licensee was authorized to purchase 25 cartridges in a year and is authorized to possess 25 cartridges at a time, *albeit*, within the State of Punjab.

6. According to learned counsel for the petitioner, the petitioner had no knowledge, conscious or otherwise, about the presence of such cartridges in his baggage and it was never a deliberate act. Learned counsel submits that it was rather an act of oversight or negligence. It is, therefore, prayed that since the petitioner was not having conscious possession of the live cartridges and was, totally, unaware about the presence of the same in his luggage, the FIR needs to be quashed. He relies on *Ritesh v. State NCT of Delhi*: 2025, *Rasleen Kaur @ Rasleen Gulati v. The State (Govt. of NCT of Delhi)*: 2020 SCC OnLine Del 187; *Karamjit Singh v. State (NCT of Delhi)*: (2022) SCC OnLine Del 800; *Satpal Deshwal v. State (NCT Of Delhi)*: 2025, *Sh. Gaganjot Singh v. State*: 2014SCC OnLine Del 6885, *Jaswinder Singh v. State Govt. of NCT of Delhi &Anr.*: 2015 SCC OnLine Del 10894, *Sonam Chaudhary v. The State (Govt. of NCT Delhi)*: 2016 SCC OnLine Del 47, *Mandeep Lamba v. State (Govt. of NCT of Delhi)*: 2017 SCC OnLine SC 9885, *Hari Kishan v. State (NCT of Delhi)*: 2019 SCC OnLine Del 8829, *Dinesh v. State of NCT of Delhi*:



2023SCC OnLine Del 5496, *Harmanjeet Singh v. State of NCT of Delhi*: 2025 SCCOnLine Del 8927, *MA Veronica Gabriel v. State of NCT of Delhi* (in CRL.M.C. 7710/202; DoD 03.11.2025).

7. Reference be also made to order dated 14.01.2026 passed by Coordinate Bench of this Court in *Seema v. The State NCT of Delhi &Anr* (W.P.(Crl) 85/2026) wherein also, the accused therein was found in possession of two live cartridges and the FIR was quashed. The relevant observations made in the abovesaid order are as under: -

"6. While praying for quashing of FIR and the criminal proceedings emanating there from, the learned counsel for the petitioner argues that petitioner had no knowledge regarding the presence of the aforesaid ammunitions/cartridges in her bag and she was only informed by the security officials of the IGI Airport about the same. It is further submitted that petitioner had no intention to carry live ammunitions/ cartridges and the recovered live cartridge cannot be used for any threat purpose without a fire arm and it does not attract any offence in the absence of any knowledge of conscious possession. It is also submitted that the petitioner's husband had borrowed a bag from a family friend, who is a valid arms license holder, due to the petitioner's own luggage being overweight, and the cartridges were inadvertently left in the bag by the licensee, who had admitted to the same in his statement given to the I.O. and has also given his affidavit to the said effect, which is annexed with the present petition.

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9. *The Constitutional Bench of the Hon'ble Supreme Court in the case of Gunwantlal v. The State of Madhya Pradesh: (1972) 2 SCC 194 has explained the meaning of possession in the context of Section 25 of the Arms Act, 1959 and held as under:-*

"The possession of a firearm under the Arms Act in our view must have, firstly the element of consciousness or knowledge of that possession in the person charged with such offence and secondly where he has not the actual physical possession, he has none-the-less a power or control over that weapon so that his possession thereon continues despite physical possession being in someone else. If this were not so, then an owner of a house who leaves an unlicensed gun in that house but is not present when it was



recovered by the police can plead that he was not in possession of it even though he had himself consciously kept it there when he went out. Similarly, if he goes out of the house during the day and in the meantime someone conceals a pistol in his house and during his absence, the police arrives and discovers the pistol he cannot be charged with the offence unless it can be shown that he had knowledge of the weapon being placed in his house. And yet again, if a gun or firearm is given to his servant in the house to clean it, though the physical possession is with him nonetheless possession of, it will be that of the owner. The concept of possession is not easy to comprehend as writers of (sic) have had occasions to point out. In some cases under Section 19(1)(f) of the Arms Act, 1878 it has been held that the word "possession" means exclusive possession and the word "control" means effective control but this does, not solve the problem. As we said earlier, the first precondition for an offence under Section 25(1)(a) is the element of intention, consciousness or knowledge with which a person possessed the firearm before it can be said to constitute an offence and secondly that possession need not be physical possession but can be constructive, having power and control over the gun, while the person to whom physical possession is given holds it subject to that power and control."

10. The above proposition of law was reiterated by the Hon'ble Supreme Court in *Sanjay Dutt v. State Through CBI Bombay: (II) Crimes 1994 (3) 344 (SC)* and held as under:

"20. 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 unauthorised substance has been understood."

11. In the present case, there is nothing on record to suggest that petitioner was in conscious possession of the two live cartridges and she was aware of the said fact. Mere recovery of cartridge itself is not sufficient to prove the offence in the absence of any intention. It is apparent from the record that the petitioner was unaware of the fact that the two cartridges were kept in her bag, since the said bag did not belong to her, but was of the family



friend. It is also a matter of record that no weapon was recovered from the petitioner to connect her with the intention to use the recovered cartridge for committing any offence.

12. In view of the above discussion, this Court is of the opinion that no offence is made out against the petitioner under Section 25 of the Arms Act. This Court is further of the view that allowing continuation of criminal proceedings against the petitioner will be an abuse of process of law.”

8. The broad factual aspects, as already noted above, are not disputed and, quite evidently, mere recovery of a cartridges, by itself, would not be sufficient to prove the offence in absence of any intention. Moreover, the petitioner was completely unaware of the fact that there were five cartridges in his bag. Admittedly, no weapon has been recovered from the possession of the petitioner which may reveal any offence and therefore, the element of *mens- rea* is, conspicuously, absent.

9. Accordingly, exercising inherent powers vested in this Court under Section 528 of the BNSS, it is deemed appropriate to quash the instant FIR.

10. Consequently, to secure ends of justice, FIR No.175/2024 dated 05.03.2024, registered at P.S. IGI Airport for commission of offence under Section 25 of *Arms Act*, 1959 with all consequential proceedings emanating therefrom, are hereby, quashed subject to petitioner depositing cost of Rs. 25,000/- with *Delhi High Court Legal Services Committee (DHCLSC)* within four weeks from today. Proof of deposit and original affidavits of the parties be submitted to the learned Trial Court within further two weeks.

11. The present petition, along with the pending application, stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MAY 14, 2026/ss/sk