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

+ W.P.(CRL) 1757/2022

JATINDER KUMAR

.....Petitioner

Through: Mr. Prateek Ravi, Adv.

versus

GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC with
Mr. Arjit Sharma and Ms. Sakshi
Jha, Advs.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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02.07.2026

1. By virtue of the present petition under *Article 226* of the Constitution of India read with *Section 482* of the Code of Criminal Procedure, 1908 [*Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023], the petitioner seeks quashing of FIR No.67/2022 dated 18.02.2022 registered at PS.: I.G.I. Airport, New Delhi under *Sections 25* of the Arms Act, 1959 (***Arms Act***) and all proceedings emanating therefrom.

2. *Succinctly put*, as per prosecution *one* live cartridge (Calibre 2.4 CMs) was recovered from the baggage of the petitioner at I.G.I. Airport, Terminal-3, New Delhi on 17.02.2022 at about 05:49 PM where he was present to travel from New Delhi to London *via* Jeddah aboard Flight No.SV-759 to visit his wife, who is living in London on a work visa. During interrogation, the petitioner disclosed that he had found the ammunition while attending a marriage function in Kapurthala, Punjab and kept the same in the make-box of his wife, which inadvertently



formed a part of his baggage.

3. Based thereon, learned counsel for petitioner submits that since it was by sheer accident and without any intention that *one* live cartridge formed a part of his luggage, the same was a purely human error and not a criminal act, therefore, there is no reason for continuation of the FIR against him. He further submits that the petitioner is a frequent traveller and visits various countries for work purposes and has never been involved in a similar offence. He, lastly relies upon the decision of the Hon'ble Supreme Court in ***Sanjay Dutt vs. State:(1994) 5 SCC 402*** to submit that '*possession*' must have a mental element and be accompanied by consciousness/ awareness in order to be culpable, as also refers to decisions of Co-ordinate Benches of this Court in W.P.(CRL) 2143/2019 entitled '***Sh. Surinder Kumar @ Surinder Kumar Singh vs. The State of (G.N.C.T. of Delhi) & Anr.***'; W.P.(CRL) 1975/2019 entitled '***Aruna Chaudhary vs. State & Ors.***'; and W.P. (Crl.) 1681/2020 entitled '***Baljit Fantu vs. State, Govt. of NCT Delhi and Ors.***' wherein the FIRs have been quashed under similar facts and circumstances.

4. Learned ASC for State also submits that he has no objection to the quashing of the aforesaid FIR.

5. Heard.

6. The present is a case wherein only a *single* live cartridge (Calibre 2.4 CMs) was recovered from the baggage of the petitioner at I.G.I. Airport, Terminal-3, New Delhi while he was travelling to London on 17.02.2022 to meet his wife. In fact, he himself admits that the same was a purely human error without any element of intention/ *mens rea*. Further, there is no qualm that the petitioner is a first-time offender with no such



prior antecedents.

7. In light of the aforesaid, as also keeping in view the legal position reiterated in multiple decisions hereinabove, as also the no-objection given by learned ASC, this Court is of the view that a case to quash the present FIR is made out.

8. Accordingly, taking a cumulative view of the facts and circumstances involved, the present petition is allowed, and FIR No.67/2022 dated 18.02.2022 registered at PS.: I.G.I. Airport, New Delhi under *Sections 25* of the Arms Act and all proceedings emanating therefrom are hereby quashed.

9. However, since the present FIR was pending for more than *four (4) years and four (4) months* and the police machinery was put in motion, the petitioner is directed to deposit costs of Rs.25,000/- (*Rupees Twenty Five Thousand Only*) with the Delhi High Court Staff Welfare Fund [A/C 15530110074442; IFSC UCBA0001553] and Rs.25,000/- (*Rupees Twenty Five Thousand Only*) with the Delhi High Court Bar Association Lawyers Social Security and Welfare Fund [A/C 155530100009730; IFSC UCBA0001553] within a period of *two weeks* from today.

10. Needless to say, the petitioner shall also furnish proof thereof before the Registry within a period of *one week* from the date of such payment.

11. As such, the present petition, alongwith the pending application, is disposed of in the aforesaid terms.

SAURABH BANERJEE, J

JULY 2, 2026/bh