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

+ CRL.M.C. 3669/2022, CRL.M.A. 15356/2022

MICHELLE YAUGHN POSEY

...Petitioner

Through: Mr. Paranjay Chopra, Adv.

versus

STATE GOVT. NCT OF DELHI

...Respondent

Through: Ms. Meenakshi Dahiya, APP for the
State with Mr. Aditya Vikram
Singh, Adv. with SI Amit Kumar,
PS IGI Airport

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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19.05.2026

1. By virtue of the present petition under *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks quashing of FIR No.405/2016 dated 22.10.2016 registered at PS: I.G.I. Airport under *Sections 25/54/59* of the Arms Act, 1959 (**AA**) and all proceedings emanating therefrom.

2. *Succinctly put*, as per prosecution *one* ammunition (Calibre 9 MM) was recovered from the handbag of the petitioner, a U.S.A. citizen, at I.G.I. Airport, New Delhi on 21.10.2016 at about 10:30 PM where she was present to travel from New Delhi to New York aboard Flight No.UK-83. During interrogation, the petitioner disclosed that she had come to India on Tourist VISA on 14.10.2016 and that though the recovered ammunition belonged to her she had inadvertently carried the same in her handbag and



had neither used the same nor obtained/ handled any other arms and ammunitions during her visit to India. She further handed over a copy of Handgun License No.06376033 issued to her by the Texas Authorities, U.S.A., which is also annexed with the present petition.

3. Based thereon, learned counsel for the petitioner submits that since it was by sheer accident and without any intention that *one* live cartridge belonging to the petitioner fell into her luggage, the same was a purely human error and not a criminal act, therefore, there is no reason for continuation of the FIR against the petitioner. He further submits that the petitioner is a permanent citizen and resident of Texas, U.S.A. and the holder of a valid and legally issued gun license as aforesaid, as also has duly complied with all procedures till date. 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 ***Golap Saikia vs. State & Anr.:Crl.M.C. 5663/2014***, ***John Gordon Hodgson vs. State of NCT of Delhi & Anr.:Crl.M.C. 3397/2016***, ***Scott Wilson vs. State:Crl.M.C. 3801/2017*** and ***Anurag Walia vs. State & Anr.:Crl.M.C. 5272/2019*** quashing FIRs under similar facts and circumstances.

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

5. Heard.

6. The present is a case wherein only a *single* piece of ammunition (Calibre 9 MM) was recovered from the petitioner, who is the holder of Handgun License No.06376033 legally issued to her in her home country.



In fact, she herself admits that the same was a purely human error without any element of intention/ *mens rea*. It is also not in dispute that she is a first time offender with no such prior antecedents.

7. The above, as also keeping in view the legal position reiterated in multiple decisions hereinabove, as also the no-objection given by learned APP, 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.405/2016 dated 22.10.2016 registered at PS: I.G.I. Airport under Sections 25/54/59 AA and all proceedings emanating therefrom are hereby quashed.

9. However, since the present FIR was pending for nearly the past 10 years and police machinery was put in motion, this Court finds it appropriate that the petitioner contributes towards the betterment of the society by doing some social good. Accordingly, the petitioner is directed to deposit costs of Rs.50,000/- with the Delhi High Court Staff Welfare Fund [A/C 15530110074442; IFSC UCBA0001553] within a period of two weeks from today. The petitioner shall also furnish proof thereof before the Registry within a period of one week from the date of such payment.

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

SAURABH BANERJEE, J

MAY 19, 2026/So