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

+ CRL.M.C. 5989/2025, CRL.M.A. 25485/2025, CRL.M.A. 25486/2025

SUNIL KUMAR ARORAPetitioner

Through: Mr. Jitendra Singh, Advocate with
petitioner in person.

versus

THE STATE OF NCT OF DELHIRespondent

Through: Mr. Hitesh Vali, APP.
SI Mukesh Kumar, PS: Nangloi
Metro.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **18.05.2026**

1. By way of this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [corresponding to Section 482 of the Code of Criminal Procedure, 1973], the petitioner seeks quashing of FIR No. 3/2019, dated 01.05.2019, registered at P.S. Metro Police Station Nangloi, under Section 25 of the Arms Act, 1959 [“the Act”].

2. I have heard Mr. Jitendra Singh, learned counsel for the petitioner, and Mr. Hitesh Vali, learned Additional Public Prosecutor for the State. Mr. Vali has placed two status reports on record.

3. The facts emerging from the material on record is as follows:

A. On 01.05.2019, at about 6:15 PM, during the security check at Paschim Vihar West Metro Station, the security officer found one magazine consisting of six live rounds in the bag of the petitioner



and detained him at the said metro station. Pursuant to this incident, the impugned FIR was registered.

- B. During investigation, the petitioner disclosed that he has a license for a pistol.
- C. Pursuant to the investigation, a charge sheet has been filed against the petitioner.
- D. As per the report from the office of the District Magistrate, Haridwar, the petitioner's license was verified, having validity till 03.04.2027.
- E. The pistol was deposited at P.S. Roorkee, Haridwar on 19.03.2019, without the magazine and rounds, which was verified by the report of PS Kotwali.

4. Mr. Singh submits that the petitioner was not in conscious possession of the live cartridges recovered from his bag at the Paschim Vihar West Metro Station. It is the case of the accused that the he has a licensed pistol which he had deposited at P.S. Roorkee, Haridwar on 19.03.2019 during elections, but had kept the magazine and six live cartridges in his bag, and forgotten about it. The live cartridges in the bag were therefore present inadvertently, without the petitioner's knowledge. He further submits that, in the absence of a firearm and any attempt at concealment, the cartridges could not have been intended for unlawful use. It is further stated that the ammunition was lawfully purchased and duly endorsed in the licence. A copy of the said arms licence is placed on record.



5. The prosecution has also filed a subsequent status report verifying the source of cartridges, which confirm that the cartridges were sold to the petitioner against his license from approved government vendors.

6. This Court has, in several decisions, quashed FIRs in cases where possession of the firearm or ammunition was found to be inadvertent, and conscious possession was not *prima facie* made out. The Court has explained that conscious possession requires knowledge and intent, rather than mere physical possession of the object. Reliance in this connection may be placed upon the decisions in *Sonam Chaudhary v. The State (Government of NCT of Delhi)* [2016 SCC OnLine Del 47]; *Mitali Singh v. NCT of Delhi and Anr.* [W.P.(Crl.) 2095/2020, decided on 15.12.2020]; *Rahul Mamgain v. State of NCT of Delhi and Anr.* [Crl. M.C. 3783/2022, decided on 17.08.2022]; and *Hardeep Singh v. State NCT of Delhi* [CRL.M.C. 6099/2025 and connected matter, decided on 14.01.2026].

7. Applying these principles to the present case, there is no material before the Court to contradict the petitioner's plausible explanation. The pistol license and the source of cartridges has also been verified. The mere recovery of the cartridges, without any accompanying firearm or other incriminating material, does not suggest any *mens rea* or culpable intent on the part of the petitioner. There is no allegation that the ammunition was intended to be used for any unlawful purpose. The material, therefore, does not support a finding of conscious possession by the petitioner.

8. Although the Act imposes strict criminal liability, the interpretation placed by the Court in the aforesaid cases, seeks to avoid criminalising unintentional, technical lapses, devoid of incriminating circumstances.



The absence of any weapon, the lack of evidence of knowledge, and the isolated recovery of one magazine consisting of six cartridges lends credibility to the conclusion that no offence under Section 25 of the Act is made out.

9. In these circumstances, continuation of the proceedings pursuant to the impugned FIR, would subject the petitioner to undue harassment and prolonged litigation. I am, therefore, of the view that the FIR is liable to be quashed, but subject to costs imposed upon the petitioner for unnecessary expenditure of effort by the State machinery, which could have been avoided by due vigilance on his part.

10. For the aforesaid reasons, the petition is allowed, and FIR No. 3/2019 dated 01.05.2019, registered at P.S. Metro Police Station Nangloi, under Section 25 of the Act, alongwith all consequential proceedings arising therefrom, is hereby quashed, subject to costs of Rs.25,000/- to be deposited by the petitioner with the Delhi High Court Bar Association Costs Account [A/C No. 15530110179338; IFSC No. UCBA0001553; UCO Bank, Delhi High Court Branch].

11. The costs be deposited within four weeks from today. An affidavit of compliance be filed within one week thereafter.

12. The present petition is disposed of.

PRATEEK JALAN, J

MAY 18, 2026
SS/AD/