

**Ajit Singh vs.state**

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**Court :** Delhi

**Decided On :** Feb-06-2019

**Appellant :** Ajit Singh

**Respondent :** State

**Judgement :**

\* + IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: February 06, 2019 CRL.M.C. 671/2019 and CrI.M.A. 2755/2019 AJIT SINGH .....

... Petitioner

STATE Through: Ms. Namrata Malik, Advocate Versus ..... Respondent Through: Mr. M.P. Singh, Additional Public Prosecutor for State with SI Vasant Kumar. CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

**ORDER**

(ORAL) Quashing of FIR No.02/2015, under Section 25 of Arms Act, registered at police station IGI Airport, Delhi is sought on the ground that petitioner, was not in conscious possession of six live cartridges at caliber 0.32 mm. Charge sheet in this case has been filed and its bare perusal reveals that petitioner had admitted his guilt of carrying ammunition in his hand baggage but could not produce any authorization or valid Arms License to validate the possession of ammunition in India. It is also noticed in the charge sheet that lateron, petitioner had produced his license, which was got verified from concerned authority and found to be valid and petitioner CRL. M.C. 671/2019 Page 1 of 3 was returned his passport and was

allowed to travel on the next date of this incident. Learned counsel for petitioner submits that inadvertently six live cartridges were left in his hand bag while he was travelling to Moscow to meet his fiance and since the possession of six live cartridges was not conscious, therefore, FIR of this case and the proceedings emanating therefrom ought to be quashed. To submit so, reliance is placed upon decision of 4th October, 2016 of a Coordinate Bench of this Court in CrI.M.C. 3593/2016 Dhanwant Kaur Vs. State & Anr.. Learned Additional Public Prosecutor for respondent-State submits that charge sheet has been filed in this case and so, petitioner ought to be relegated to raise the plea taken herein before the trial court at the charge stage. Upon hearing and on perusal of FIR, charge sheet and the decision cited, I find that in a similar case, a Coordinate Bench of this Court had exercised its inherent jurisdiction while relying upon Supreme Courts decision in Gunwantal Vs. State of Madhya Pradesh (1972) 2 SCC194to quash the FIR although the charge-sheet was filed. In the instant case, I find that possession of six live cartridges by petitioner was apparently not conscious. Hence the prosecution of petitioner in this FIR would be an exercise of futility, as the necessary ingredient of the offence alleged are lacking. Accordingly, this petition is allowed, subject to costs of 50,000/- to be deposited by petitioner with Prime Ministers National Relief Fund within two weeks from today. Upon placing on record the receipt of costs, CRL. M.C. 671/2019 Page 2 of 3 FIR No.02/2015, under Section 25 of Arms Act, registered at police station IGI Airport, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioner. This petition and application are accordingly disposed of. Dasti. FEBRUARY06 2019 pma (SUNIL GAUR) JUDGE CRL. M.C. 671/2019 Page 3 of 3

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