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

+ CRL.M.C. 7710/2025 and CRL.M.A. 32228/2025

MA VERONICA GABRIEL

.....Petitioner

Through: Mr. Kapil Madan and Mr. Gurmukh
Singh Arora, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for
State with SI Ashok Kumar, PS-IGI Airport.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **03.11.2025**

1. The present petition has been filed by the petitioner under Section 528 of BNSS, 2023 seeking quashing of FIR No. 0060/2025 dated 25.01.2025 registered at PS-IGI Airport, Delhi under Section 25 of Arms Act, 1959.
2. The case set out by petitioner in the present petition is that she is a citizen of the Republic of Philippines and serves as Sr. Manager in the Clinical Education and Applications Department of Fresenius Medical Care Asia Pacific Ltd. headquartered at Hong Kong.
3. On 24.01.2025, petitioner travelled to India for professional purposes, specifically to attend business meetings and training sessions organized by Fresenius Medical Care India Pvt. Ltd. This visit was a part of her official employment responsibilities.
4. During the routine security screening of her hand baggage at the airport, one live cartridge/ammunition (marked S&B 6.35B) was found in



her possession.

5. It is the case of petitioner that presence of said cartridge/ammunition in her baggage was wholly inadvertent, without her knowledge, awareness or intention.

6. Mr. Kapil Madan, learned counsel appearing on behalf of petitioner submits that petitioner does not possess any licensed arm, therefore, the possession of said live cartridge/ammunition cannot be said to be conscious possession. He submits that the present case is covered by various decisions of Coordinate Benches of this Court.

7. In view of the above, issue notice. Mr. Ajay Vikram Singh, learned APP for State accepts notice.

8. With the consent of the parties, the matter has been heard finally at the stage of issuance of notice itself without calling for the counter-affidavit as the matter is admittedly, covered by various decisions of this Court.

9. At this stage reference may be had to the decision of the Coordinate Bench of this Court in **W.P.(Crl.) 633/2023, Mohd. Tarique Rehman v. State of NCT of Delhi** wherein under similar circumstances, this Court had made following pertinent observations:

“6. Applying the same principles to the present case, it is evident that the Petitioner had no knowledge of the presence of the ammunition in his baggage. The doctrine of conscious possession requires not only physical possession but also awareness and intent, neither of which are established here. The material on record does not suggest any mens rea or culpable intent on the part of the Petitioner, nor does it indicate that the ammunition was carried for any unlawful purpose. The Petitioner’s explanation, that the cartridge was mistakenly left in his bag by others who borrowed it, is plausible. Moreover, no firearm was recovered from the Petitioner, and there is no



allegation that he attempted to use the ammunition in any manner that posed a threat to public safety. Given that criminal liability under the Arms Act is stringent and must be construed strictly, the absence of any incriminating circumstances further reinforces the conclusion that the Petitioner does not fall within the mischief sought to be prevented by the statute. Consequently, no offence under Section 25 of the Arms Act is made out against the Petitioner.

7. Additionally, the Petitioner has no criminal antecedents, and the registration of an FIR in such circumstances would serve no legitimate purpose other than subjecting him to undue harassment and prolonged litigation. The Supreme Court has repeatedly held that criminal proceedings should not be permitted to continue when they amount to an abuse of the process of law. In the absence of any legal or factual basis to sustain the prosecution, allowing the proceedings to continue would be a manifest miscarriage of justice.”

10. The aforesaid decisions clearly lays down that where the accused is not in conscious possession of the ammunition/live cartridge, he or she cannot be proceeded for the offence under Section 25 of the Arms Act.

11. In the present case, only single live cartridge was recovered from the baggage of petitioner without any corresponding arms. Further, no suspicious circumstances have been pointed out in the FIR which would indicate that the possession of cartridge was conscious.

12. In the given circumstances and regard being had to the aforesaid legal position, it can be said that petitioner was not in conscious possession of the ammunition. Accordingly, she cannot be prosecuted for the offence under Section 25 of the Arms Act.

13. This being the position, FIR No. 0060/2025 dated 25.01.2025 registered at PS-IGI Airport, under Section 25 of Arms Act, 1959 along with



all proceedings emanating therefrom is quashed.

14. Petition stands disposed of in above terms.

15. Pending application stands disposed of.

VIKAS MAHAJAN, J

NOVEMBER 3, 2025/jg