



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 23RD DAY OF NOVEMBER, 2023
BEFORE
THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR
WRIT PETITION NO. 14289 OF 2023 (GM-RES)

BETWEEN:

DR.JONATHAN JAIDEEP

...PETITIONER

(BY SRI. SOMYAJIT MOHANTY, ADVOCATE FOR
SRI. L SRINIVAS, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY THE OFFICE OF
THE INSPECTOR OF POLICE
VIDYARANYAPURAM POLCIE STATION
JP NAGARA MAIN ROAD, JP NAGARA
MYSURU, KARNATAKA 570 008, INDIA.
2. ARCHA RAJENDRAN



...RESPONDENTS

(BY SRI. VENKATSATHYANARAYAN A, HCGP FOR R-1;
V/O DATED 19.09.2023, NOTICE TO R-2 D/W)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 PRAYING TO QUASH THE FIR BEARING CR. NO 95/2021 DATED 26/12/2021 (ANNEXURE A) REGISTERED WITH THE VIDYARANYAPURAM POLICE STATION, MYSORE PENDING ON THE FILE OF THE II ADDL JMFC MYSORE AND ETC.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:



ORDER

The registration of FIR for the offence punishable under Section 25(1-B)(a) of the Arms Act is impugned in this petition.

2. The summary of the allegation in FIR is that, on 26.12.2021, the Indigo Airlines, Mysore Airport, filed a complaint stating that at time of checking the baggage of the petitioner, who was flying from Mysuru to Chennai, it was discovered by the airline officials that the shaving kit contained seven live bullets were being carried without any weapon.

3. The issue involved in this petition, whether the petitioner can be prosecuted for the offences punishable under the provisions of the Arms Act for carrying live bullets without any weapon was considered by this Court in CrI.P No.8575/2018 (dd 12.7.2022), wherein at para-8 it is held as follows:

“8. Section 45(d) of the Arms Act, specifies that, the Act shall not apply to the acquisition, possession or carrying by a person of minor parts of arms or ammunition which are not intended to be used along with complementary parts acquired or possession by that or any other person. Hence, Section 45(d) clearly specifies that in the absence of complementary parts i.e., pistol or revolver, mere possession of the live cartridges will not attract the provision contained in the Arms Act, 1959.”

4. The petitioner was found in possession of seven live bullets without any complementary parts i.e. pistol or revolver. Therefore, the prosecution of the petitioner under the



provisions of the Arms Act is impermissible. Accordingly, I pass the following:

ORDER

- i) Writ petition is allowed.
- ii) The impugned FIR in Crime No.95/2021 registered by the Vidyaranyapuram Police Station, Mysore, stands quashed.

Sd/-
JUDGE