

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

Crl.MC.No. 7613 of 2015

CRIME NO. 341/2014 OF ATTINGAL POLICE STATION, THIRUVANANTHAPURAM

PETITIONER(S)/2ND ACCUSED:

**FAIZAL H.S, AGED 23 YEARS,
S/O.HASSAN, FAIZAL MAHAL, EZHIPURAM,
VENGODE, PALAYAMKUNNU,
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.R.KRISHNAKUMAR (CHERTHALA)
SMT.TINY THOMAS**

RESPONDENT(S)/STATE & COMPLAINANT:

**1. STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
ATTINGAL POLICE STATION
ATTINGAL (CRIME NO.341/2014)
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, 682031.**

**2. SAFEER,
CHAIRMAN, RAJAKUMARI SHOPPING LIMITED, CITY PLAZA
NEAR PRIVATE BUS STAND, MAIN ROAD,
ATTINGAL-691523.**

R1 BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-A1: A TRUE COPY OF THE COMPLAINT DT.7.3.2014 SUBMITTED BY THE
3RD RESPONDENT TO THE C.I.OF POLICE, ATTINGAL.**

**ANNEXURE-A2: A TRUE COPY OF THE FIR IN CRIME NO.341/2014 OF ATTINGAL
POLICE DT.07.03.2014.**

**ANNEXURE-A3: A TRUE COPY OF THE PRIVATE COMPLAINT FILED BY THE
PETITIONER BEFORE THE HON'BLE JFCM-I, ATTINGAL DT.27.03.2014.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

.....
Crl.M.C. No.7613 of 2015
.....

Dated this the 15th day of December, 2015

ORDER

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The offence alleged against the petitioner in Crime No.341/2014 of Attingal Police Station is one under Section 66A of the Information Technology Act, 2000.

2. The learned Public Prosecutor submits that presently, investigation is over and final report has already been filed in the matter alleging the offence under Section 66A of the Information Technology Act. In ***Shreya Singhal v. Union of India*** [2015 (4) SCALE 1], the Apex Court has struck down the offence under Section 66A of the Information Technology Act as ultravires to the Constitution. Matters being so, the crime, the final report and all further

proceedings in Crime No.341/2014 of Attingal Police Station are not legally sustainable and, therefore, the same are liable to be quashed.

In the result, this Crl.M.C. is allowed and the crime, the final report and all further proceedings in Crime No.341/2014 of Attingal Police Station are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/15/12

// True Copy //

PA to Judge