

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.31014 of 2013

and

MP.Nos.1 & 2 of 2013

Fr.Francis Sahaya Rajan

Petitioner/Accused No.1

Vs

1. State rep. by
Inspector of Police,
Cyber Crime Cell,
CCB, Egmore,
Chennai - 8.

2. Fr.S.Emmanuel

Respondents/Complainant/Defacto
Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for the records relating to the First Information
Report in Crime No.98 of 2013 dated 28.09.2013 on the file of the 1st
respondent, quash the same.

For Petitioner :Mr.I.Arockia Selvaraj

For Respondents :Mr.C.Emalias [R1]

Additional Public Prosecutor

Mr.C.S.K.Sathish [R2]

ORDER

This Criminal Original Petition has been filed praying to call
for the records relating to the First Information Report in Crime
No.98 of 2013 dated 28.09.2013 on the file of the 1st respondent,
quash the same.

2. Heard the learned Additional Public Prosecutor appearing
for the first respondent and Mr.C.S.K.Sathish for the second
respondent. No representation for the petitioner.

3. It is seen that this petition is challenging the FIR in
Crime No.98 of 2013, registered for an offence under Section 66(A) of
the Information Technology (Amendment) Act, 2008

4.Today the respondent Police is present. The learned Additional Public Prosecutor on instructions of the respondent-Police, submitted that the investigation in Crime No.98 of 2013 was completed and a final report has been filed before the learned Judicial Magistrate, Alandur for offence under Section 66(A) of the Information Technology (Amendment) Act.

5.Normally, when an F.I.R. is challenged and during the course of challenge, if a final report is filed, this Court will not interfere to quash the F.I.R. But, in this case, the Hon'ble Supreme Court has declared Section 66(A) of the Information Technology (Amendment) Act as unconstitutional.

6.The learned Additional Public Prosecutor, produced the case diary and this Court perused the final report and found that the final report has been filed against the petitioner for the offence under Section 66(A) of the Information Technology (Amendment) Act and no other offences have been included. Under this circumstances, this Court is constrained to quash the final report, C.C.No.467 of 2014 pending on the file of the learned Judicial Magistrate, Alandur.

With the above direction, this Criminal Original Petition is ordered. Consequently, the connected miscellaneous petitions are closed.

ds

-s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Alandur.

2. The Inspector of Police,
Cyber Crime Cell,
CCB, Egmore,
Chennai - 8.

3. The Public Prosecutor
High Court, Madras.

+ 1 cc to Mr.I.Arockiya selvaraj, Advocate SR 27935

kk(co)
prk19/6

Cr1.OP No.31014 of 2013