

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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CRIMINAL PETITION No.6345 of 2015

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Between:

Chintalapudi Siva Kumar

.. Petitioner/ accused

And

The State of Telangana,
Rep. by Inspector of Police,
Cyber Crime Police Station, CID, Hyderabad
Rep. by Public Prosecutor,
High Court of Judicature at Hyderabad & another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 20-07-2015

SUBMITTED FOR APPROVAL:

**HONOURABLE Dr. JUSTICE B.SIVA SANKARA
RAO**

1. Whether Reporters of Local newspapers

Yes/No

may be allowed to see the Judgment?

2. Whether the copies of judgment may be
marked to Law Reporters/Journals

Yes/No

3. Whether Their Lordship wish to
see the fair copy of the Judgment?

Yes/No

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6345 of 2015

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ORDER :

This Criminal Petition is filed by the Petitioner/ accused under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.36 of 2011 of Cyber Crime Police Station, CID, Hyderabad registered for the offences punishable under Section 66-1 of IT(A) Act, 2009 (IT Act, 2000) and Section 507 IPC.

2) Heard learned counsel for the petitioner/ accused and learned public prosecutor representing the 1st respondent—State before admission and before ordering notice to the 2nd respondent—de facto complainant. Perused the material on record.

3) As can be seen from the expression of the Apex Court in ***Shreya Singhal vs Union of India***^[1], it is clear that Section 66-A of IT(A) Act is struck down as unconstitutional, thereby the penal section under the provision no longer survives. With regard to the other offence under Section 507 IPC which is non-cognizable, the police have no right to take cognizance and register the FIR under Section 154 Cr.P.C but for to follow the procedure contemplated by Section 155 Cr.P.C. Hence, the Criminal Petition is allowed quashing the FIR No.36 of 2011 of Cyber Crime Police Station, CID, Hyderabad, Needless to say further remedy if any is left open to complainant for the offence under Section 507 IPC.

4) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.20.07.2015
Knl

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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CRIMINAL PETITION No.6345 of 2015

Date:20.07.2015

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[\[1\]](#) 2015 Law Suit (SC) 265