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

+ CRL.M.C. 3531/2013

NAVIN DAS & ANR

..... Petitioners

Represented by: Mr.Tanmaya Mehta, Advocate

versus

STATE & ANR

..... Respondents

Represented by: Mr.Amit Ahlawat, APP with SI Vijay
Pal, PS Tughlak Road

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

ORDER

% **19.09.2016**

1. Present petition seeks quashing of FIR No.79/2013 PS Tughlak Road for offences punishable under Section 66A of the IT Act, 2000 and Section 469 IPC.
2. As regards the offence punishable under Section 66A of the IT Act, 2000 the FIR would have to be quashed for the simple reason the statutory provision itself has been declared ultra-vires the Constitution.
3. I need not deal with the FIR concerning offence punishable under Section 469 IPC for the reason learned counsel for the State under instructions from SI Vijay Pal, the Investigating Officer, states that a cancellation report was filed and has been accepted by the learned Metropolitan Magistrate on July 08, 2016.

4. Learned counsel for the petitioner states that he has no instructions from the petitioners regarding acceptance of the cancellation report.

5. However, learned counsel states that the petition may be disposed of as infructuous in view of the statement made by learned counsel for the State under instructions of the Investigating Officer observing that if the statement is incorrect the petitioners would be at liberty to seek revival of the instant petition.

6. Ordered accordingly.

7. Instant petition is disposed of as infructuous.

Crl.M.A.No.12900/2013

Dismissed as not pressed.

PRADEEP NANDRAJOG, J.

SEPTEMBER 19, 2016

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