

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6233 OF 2017

ORDER:

Heard learned counsel for the petitioners and also the learned Public Prosecutor, representing the 1st respondent – State, before ordering notice to the 2nd respondent – defacto complainant and perused the grounds urged in the petition to quash the FIR.

2. The investigation is in nestle stage of the crime, registered very recently as Crime No.146 of 2017, on the file of S.H.O., Nagarampalem Police Station, Guntur District. However, so far as the offence under Section 66A of IT Act concerned, the law is very clear that the said section is struck down by the Hon'ble Apex Court in ***Shreya Singhal Vs. Union of India***¹. Hence, once it is struck down and not in the statute book, the registration of the crime under this section is unsustainable. To that extent, the quash petition is allowed, quashing the FIR for the offence under Section 66A of the Act concerned, for the same is struck down by the Hon'ble Apex Court, leave about the other sections for nothing to interfere at this stage to interdict the investigation. Needless to say the police shall comply section 41A of Cr.P.C., whenever any arrest is required by following the guidelines of the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of***

¹ AIR (2015) SC 1523

Bihar², because the offences are not punishable above seven years of the crime registered supra.

3. Accordingly and with the above direction, this criminal petition is allowed in part. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

31.07.2017
SS



² 2014 (1) ALD (CrI) 826 SC