

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-46018 of 2017

.....

Date of decision:05.03.2019

Rekha Bhatia

.....Petitioner

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Gagan Oberoi, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab
for the respondent-State.

Mr. Ramanjeet Singh, Advocate for respondent No.3.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.113 dated 6.10.2014 (Annexure-P.1) registered for the offence under Section 66-A of Information and Technology Act, 2000 (hereinafter referred to as 'the IT Act') at Police Station P.A.U., Ludhiana, in view of the fact that Section 66-A of the IT Act has been struck down by the Hon'ble Supreme Court in the judgment of "Shreya Singhal Vs. Union of India" and held that Section 66-A of the IT Act is arbitrary and excessively and disproportionately invades the right of free speech guaranteed under Article 19 of the Constitution of India.

Notice of motion was issued in this case.

Mr. Dhruv Dayal, learned Senior Deputy Advocate General,

Punjab has appeared on behalf of the respondent-State and Mr. Ramanjeet

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Singh, learned Advocate has appeared for respondent No.3 and contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

At the time of arguments, learned counsel for the petitioner as well as learned State counsel and learned counsel for respondent No.3 admitted the fact that Section 66-A of the IT Act has already been struck down by the Hon'ble Supreme Court.

A perusal of the record shows that the FIR has been registered only for the offence under Section 66-A of the IT Act and this section has already been declared unconstitutional and has been struck down by the Hon'ble Supreme Court. In the FIR, no other offence has been mentioned.

Keeping in view the above fact that Section 66-A of the IT Act has already been down, therefore, the FIR is liable be quashed on this ground alone. Hence, this petition is allowed and FIR No.113 dated 6.10.2014 (Annexure-P.1) registered for the offence under Section 66-A of the IT Act at Police Station P.A.U., Ludhiana and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

March 05, 2019.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No