

Court No. - 1

Case :- CRIMINAL MISC. WRIT PETITION No. - 7285 of 2020

Petitioner :- Mohan Singh

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Som Veer

Counsel for Respondent :- G.A.

Hon'ble Ramesh Sinha,J.

Hon'ble Raj Beer Singh,J.

Sri Som Veer, learned counsel for the petitioner and Sri Amrit Raj Chaurasia, learned AGA for the State, are present.

Learned counsel for the petitioner submits that the petitioner is the complainant of the case and the present F.I.R. has been registered against the accused respondent nos.4 to 6 for an offence under sections 66A and 67B Information Technology (Amendment) Act, 2008 along with Sections 294, 500, 504, 506 and 509 IPC.

As per the judgement of the Apex Court in the case of *Shreya Singhal Vs. Union of India 2015 (5) SCC 1*, F.I.R. under section 66A of Information Technology (Amendment) Act, 2008 cannot be registered, as the same has been declared to be ultravires.

Senior Superintendent of Police, Mathura is directed to file his personal affidavit explaining as to how the F.I.R. has been registered under section 66A of Information Technology (Amendment) Act, 2008 by the next date.

List/put up in the additional cause list on **26th August, 2020** before the appropriate Bench.

(Raj Beer Singh,J.) (Ramesh Sinha,J.)

Order Date :- 31.7.2020

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