

Court No. - 88

Case :- APPLICATION U/S 482 No. - 17522 of 2021

Applicant :- Mohd.Imran Malik

Opposite Party :- State Of U.P And Another

Counsel for Applicant :- Sushil Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Aslam,J.

Heard Shri Sushil Kumar Pandey, learned counsel for the applicant and learned A.G.A. for the State.

The instant application under Section 482 Cr.P.C. is moved for quashing of the proceedings of the Case Crime No.339/9 of 2021 (State v. Imran & Anr.) (arising out of Case Crime No.525 of 2019) under Section 66 of the Information Technology Act (in short 'the I.T. Act'), Police Station-Civil Lines, District-Muzaffar Nagar.

It is alleged in the F.I.R that a Whatsapp Message containing the photo of our Hon'ble Prime Minister Shri Narendra Modi, the face has been shown to be of a picture of a pig.

It is contended by learned counsel for the applicant that the said message was not sent by the applicant and it was sent by one Najam Alam. He was only the group 'admin'. It is further submitted that no case against him is made out and the proceeding is liable to be quashed.

Learned A.G.A., on the other hand, has opposed the application and stated that liability of the sender of the message and that of the 'group admin' is co-extensive and it cannot be said no offence under Section 66 of the I.T. Act is made out against the applicant.

From the perusal of the record it appears that the applicant was a 'group admin' and he is also a co-extensive member of the group.

In view of the above, I do not find any cogent reason to interfere.

The application under Section 482 Cr.P.C. is **dismissed**, accordingly.

Order Date :- 23.2.2022

Jyotsana