

**Court No. - 44**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 1936 of 2022

**Petitioner :-** M/S Flipkart Internet Private Limited

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** Akshay Mohiley, Shishir Tandon, Sr. Advocate

**Counsel for Respondent :-** G.A.

**Hon'ble Ashwani Kumar Mishra, J.**

**Hon'ble Rajnish Kumar, J.**

Contention is that petitioner has only provided the platform for sale and purchase of articles/books and the allegation of violation of Copyright Act, 1957 can at best be against the actual publisher and not against the intermediary. Protection of Section 79 of the Information Technology Act is claimed. Submission is that lodgement of First Information Report against the petitioner is an abuse of the process of law.

Matter requires consideration.

Notice on behalf of respondent nos.1 & 2 has been accepted by learned A.G.A.

Issue notice to respondent no.3. Steps be taken within two weeks by registered/speed post.

All the respondents may file counter affidavit within six weeks. Rejoinder affidavit, if any, may be filed within two weeks, thereafter.

List thereafter.

Till the next date of listing, no coercive action shall be taken against the petitioner pursuant to impugned First Information Report, registered as Case Crime No. 39 of 2021, under Sections 420, 465, 467, 34 IPC & Section 51(a)(i), 51(b)(ii) of Copyright Act, 1957, Police Station Lohamandi, District Agra, provided it cooperates in the investigation.

**Order Date :-** 9.3.2022

Anil