

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2933 OF 2016

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioner-accused seeking to quash the proceedings in CC No.297 of 2014 on the file of IV Additional Judicial Magistrate of First Class, Tirupathi, Chittoor District.

Heard and perused the material available on record.

The case of the prosecution is that the petitioner – accused is the owner of property bearing D.No.20-3-35, and without obtaining permission from the 2nd respondent Municipal Corporation, Tirupathi, she constructed a residential building with G + 2 floors and a pent house and therefore, she is liable to be punished for the offence under Section 461(4) of the Hyderabad Municipal Corporation Act.

Learned counsel for the petitioner submitted that the Government of Andhra Pradesh has issued G.O.Ms.No.128, Municipal Administration and Urban Development (MI) Department, dated 22.05.2015, for regularization and penalization of the buildings and constructions constructed unauthorizedly and the petitioner has submitted her application on 06.07.2015 under the Building Penalization Scheme by paying the requisite fee and the same is pending consideration and therefore, the proceedings against the petitioner are abuse of process of law, and hence, the same may be quashed.

Considering the fact that the petitioner has already paid the fee for regularization of her construction under the Building Penalization Scheme, the petitioner is directed to file a memo

before the Court below mentioning the date of her application and the date of payment of fee and also the receipt given by the authorities. On such memo being filed, the Court is below is directed not to proceed further in the case till the final decision is taken by the 2nd respondent authorities.

With the above directions, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

March 08, 2016.

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