

HON'BLE SRI JUSTICE T. AMARNATH GOUD

CRIMINAL PETITION No.7105 of 2011

ORDER:

This criminal petition is filed, seeking to quash the proceedings in C.C.No.387 of 2009 on the file of the III Additional District Munsif Magistrate, Tirupathi.

Petitioners herein are accused 1 to 9 and they have been charge-sheeted under Section 4 of the Andhra Pradesh Prevention of Disfigurement of Open Places and Prohibition of Obscene and Objectionable Posters and Advertisements Act, 1997 (for short "the Act") in Cr.No.39 of 2009. The only point for consideration is whether this Act is made applicable to Tirupathi/Chittoor District and at the same time whether there is any authorisation under Section 16 of the Act, authorising the competent Tahsildar to file complaint before the authority concerned. Since there is no authorisation as required and Section 16 of the Act and the Act is silent about Tirupathi/Chittoor District, this Court is inclined to quash the C.C. in question.

Accordingly, the criminal petition is allowed, by quashing the proceedings in C.C.No.387 of 2009 on the file of the III Additional District Munsif Magistrate, Tirupathi. However, in view of the charge sheet, case diary part II and the statement of P.W.1/Tahsildar that it is a clear case of violation of election code, which was not followed in spite

of directions of the District Collector and Joint Collector, it is left open to the authorities concerned to proceed with the matter as per law if they are so advised.

As a sequel, miscellaneous petitions if any pending stand disposed of.

T. AMARNATH GOUD, J

October 13, 2017
MRR

