

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION No.6760 of 2011

ORDER:

This criminal petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings in Cr.No.70 of 2010 on the file of Saifabad Police Station, Hyderabad District, registered for the offences under Section 9A of A.P. Cinemas (Regulations) Act, 1955 and under Section 420 IPC, against the petitioner/A2.

2. Heard learned counsel for the petitioner, learned Public Prosecutor for the first respondent-State and learned counsel for the second respondent.

3. The brief facts of the case as per the complaint are that A1-Prasad, who is the owner of a cinema theatre, is permitted to sell the tickets at Rs.100/- to Rs.250/- by the licensing authority. But, A1 appointed A2 to sell the tickets online, without any permission of the licensing authority and they were selling tickets with service charge of Rs.16/- per ticket, though G.O.Ms.No.110 Home (General.A) Department dated 19.02.2009 permits to collect only Rs.6/- per ticket as service charge.

4. Learned counsel for the petitioner contends that G.O.Ms.No.110 dated 19.02.2009 was suspended by virtue of an order of this Court and hence, the act of A2 in collecting Rs.16/- as service charge cannot be said to be in violation of the said G.O. She enclosed the order dated 24.03.2009 passed in WPMP No.7959 of

2009 in W.P.No.6086 of 2009, which is filed for suspending the said G.O.

5. As per the order dated 24.03.2009 in W.P.M.P.No.7959 of 2009 in W.P.No.6086 of 2009, this Court passed the orders of *status-quo* obtaining as on that date. Even if it is taken that the said G.O. is suspended, the petitioner has to prove that prior to the said G.O., the service charges were permitted at @ Rs.16/- per ticket, through online.

6. Learned counsel for the second respondent placed reliance on the order of this Court in Crl.P.No.6315 of 2011 dated 28.02.2018, wherein this Court held that prior to the impugned G.O., the service charges were only at Rs.5/-per ticket. In paragraph No.7 of the said order, this Court held as under:

7. The Andhra Pradesh Cinemas (Regulation) Rules 1970 provides ticket booking by on-line booking system in the State. Rule 17-A thereof provides that theatre can sell tickets through on-line not exceeding 50% of the tickets. The Government of Andhra Pradesh vide its proceedings No.L&O/A3/1050/2000 dated 30.11.2005 stipulated conditions while granting permission for book, sale of cinema tickets through 'Ticketing online' in Twin cities of Hyderabad & Secunderabad. Condition No.4 thereof stipulates that the service charge should not be more than Rs.5/- per seat subject to any revision by the Government in future. The sale of tickets at the theatres shall be without any extra charges. Further Condition No.9 thereof stipulates that the Agency for On-line ticketing will be primarily responsible for any abetted/aided black marketing of Cinema tickets and the permission/licence shall be liable for cancellation after prima facie evidence is gathered for violation of any of the conditions laid down in the licence. It is also clear that M/s Galaxy Enterprises Private Limited has been granted permission for On-line ticket booking system for sale of cinema tickets vide G.O.Ms.No.110, dt.19.02.2007 initially for a period of ten years, which may be extended with mutual consent with the Government.

Hence, the suspension of the G.O., would only place the petitioner on a situation where he can charge only Rs.5/- as service charges.

7. The other contention of the petitioner's counsel, that A2 is not connected with the alleged offences, has to be decided only after appreciation of evidence, at the time of trial. Therefore, this Court opines that this is not a fit case to quash the proceedings against the petitioner/A2 at this stage.

8. Hence, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this criminal petition shall stand dismissed.

5th September, 2018
sj



T. RAJANI, J