

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.4127 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/ Accused in Crime No.89 of 2016 of Shadnagar Police Station, Mahabubnagar District, registered for the offences punishable under Sections 379 IPC and Sections 21 (1) of Mines and Minerals Act and Section 3 of PDPPA Act.

Heard the learned counsel for the petitioner and perused the material.

It is alleged in the complaint that the de facto complainant, who is police constable of Shadnagar Police Station, along with Head Constable were conducting petrolling on Blue Colt bike and while conducting the same, the find near Maharaja Dhaba a lorry bearing No.AP22-TA-4149 with sand load and when they stopped and asked for production of permissions, the petitioner, being the driver of the said lorry, said that he had no such permission and he is transporting the sand for selling the same at Shadnagar and on such information, the de facto complainant with the help of another lorry driver brought the lorry to the police station reported the same to the police station. Whether the petitioner has committed the alleged offences or not is matter to be decided by the investigating agency during the enquiry and the same cannot be determined at this stage. Therefore, this Court is not inclined to interfere with the investigation against the petitioners at this stage.

At this stage, the learned Counsel for the petitioner submits

that due to pendency of the above crime, the petitioner apprehends arrest and harassment in the hands of the police.

In view of the above submission, the police concerned are directed to complete the investigation without arresting the petitioner/accused and file final report, if any, before the concerned Court. In the event of necessity, the police concerned are directed to issue notice to the petitioner for his appearance before the investigating agency for the purpose of investigation and on receipt of such notice, the petitioner herein shall appear before the investigating agency for the purpose of investigation. In the event of failure on the part of the petitioner/accused to appear before the police, the police are at liberty to approach this Court for recalling the present order.

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

RAJA ELANGO, J

Date: 29-03-2016

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