

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTY

Crl.P.No.15299 of 2016

ORDER

This petition is filed under Section 482 Cr.P.C., to quash the proceedings in Cr.No.140 of 2016 of Balanagar Police Station, Mahaboobnagar District, registered for the offences punishable under Section 379 IPC and under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and under Section 3 of Prevention of Damage to Public Property Act, 1984, against petitioner/A2.

2. It is alleged in the complaint that on 27.06.2016 at 4.00 hours, while the Sub-Inspector of Police along with his staff was conducting vehicle check, they found a lorry bearing No.AP 27 TT 3888 transporting the sand illegally by A1-driver as per the directions of his owner-A2 for their monetary benefit. Based on the complaint, the aforesaid crime was registered against A1 and A2.

3. The allegations made in the complaint, if proved on its face value, would constitute the offences alleged against the petitioner. Since the jurisdiction of this Court under Section 482 Cr.P.C. is limited as held by the Apex Court in **R.P.Kapur v. State of Punjab**¹ and in **State of Haryana v. Bhajan Lal**², I am not inclined to interfere with the investigation at this stage. However, the police concerned are directed to follow the procedure as envisaged under Section 41-A Cr.P.C., and the guidelines laid down by the Apex Court in **Arnesh Kumar v. State of Bihar**³.

¹ AIR 1960 SC 866

² 1992 Supp(1) SCC 335

³ 2014(2) ALT (Crl.) 457 (SC)

4. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTY, J

27th October, 2016

sj

