

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9826 OF 2017

ORDER:

Heard the learned counsel for the petitioner/A5 of Crime No.57 of 2017 of Kondapuram Police Station, Sri Potti Sri Ramulu Nellore District, registered for the offences punishable under Sections 447, 427 and 379 IPC and Sections 21(4) and 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 (for short 'MMDARA Act') and Section 3 of the Prevention of Damage to the Public Property Act, 1984 (for short 'PDPP Act'), learned Public Prosecutor appearing for the State and learned counsel for respondent No.2/de facto complainant and perused the grounds urged in the criminal Petition and the contents of F.I.R.

2. A perusal of the record no way interdicts the investigation. Since there is a bar for registration of the crime by Police, as if cognizable offences under Sections 21(4) and 21(1) of the MMDARA Act, the same are quashed. For the remaining offences, which are not punishable above seven years, the Police are directed to proceed with the investigation and in the event of any necessity of arrest of the petitioner, they strictly follow Section 41-A Cr.P.C. and the guidelines of the Hon'ble Apex Court as laid down in **Arnesh Kumar v. State of Bihar**¹.

¹ (2014 (2) ALT (Cr.) 457 SC)

3. Accordingly and with the above direction, this criminal petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

26.10.2017
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