

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9865 OF 2017

ORDER:

Heard the learned counsel for the petitioner/ A1 of Crime No.77 of 2017 of Kandukuru (R) Police Station, Prakasam District, registered for the offences punishable under Sections 353, 506, 379 I.P.C., and Sections 4(1)(1a) r/w 21 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.

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 4(1)(1a) r/w 21 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/ A1, they strictly follow Section 41-A Cr.P.C. and the guidelines of the Apex Court as laid down in Arnesh Kumar v. State of Bihar¹. All the defences are left open.

Accordingly, the Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 27-10-2017
pab

¹ (2014 (2) ALT (CrI.) 457 SC)