

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

Criminal Petition No.11341 of 2018

ORDER :

The petitioner is the accused in Crime No.374 of 2018 of Sullurpet Police Station, SPSR Nellore District, registered for the offences punishable under Section 379 IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 (for short, 'the Act').

2. Heard the learned counsel for petitioner and the learned Additional Public Prosecutor representing the respondent-State in opposing the same and perused the F.I.R. and the quash petition averments.

3. Basically the offence under Section 21(1) of the Act is not sustainable for the police to register the crime by virtue of the statutory bar under the Act. Once such is the case, registration of the crime for the said offence is liable to be quashed, but not for the offence under Section 379 IPC, but for to investigate.

Having regard to the above, this Criminal Petition is allowed in part and the police strictly follow Section 41-A Cr.P.C., and also the guidelines as held by the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

01.11.2018
MVA

¹ (2014) 8 SCC 273