

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.12147 of 2018

ORDER :

The petitioners are A.4 to A.6 of Crime No.196 of 2018 of Station House Officer, Saidapur Police Station, Karimnagar District, registered for the offences punishable under Section 379 IPC and Section 21(1) of the Mines and Mineral Development Regulation Act, 1957 (for short, 'the Act, 1957').

2. As per the settled expression of the Apex Court in **State (NCT) of Delhi) v. Sanjay¹**, unless by private complaint the prosecution under the provisions of the Act, 1957, is not sustainable, thereby, to that extent the crime is not sustainable. Suffice to quash by allowing the criminal petition in part in registration of the crime so far as the offence under Section 21(1) of the Act, 1957, concerned and so far as other offence punishable under Section 379 IPC, there is nothing to interdict the investigation.

3. Accordingly, the criminal petition is allowed in part. Needless to say, for the offence under Section 379 IPC not punishable above three years, 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 Bihar²**.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

15th November 2018.
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¹ (2014) 9 SCC 772

² (2014) 8 SCC 273