

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.23657 of 2016

S.Prabhakaran

... Petitioner

Vs

The Inspector of Police,
All Women Police Station,
Anna Salai, Vellore - 1.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of Cr.P.C.,

praying to direct the respondent NOT TO HARASS THE PETITIONER in the
guise of an enquiry in connection with the case in Crime No.11 of 2016
registered against on Jebamani, except in a manner known of law.

For Petitioner : Mr.V.Veluchamy

For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

This petition has been filed to direct the respondent not to harass
the petitioner in the guise of an enquiry in Crime No.11 of 2016 registered
against on Jebamani.

2. Heard the learned counsel for the petitioner and learned
Additional Public Prosecutor for the respondent State.

P.N.PRAKASH, J.

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3. When the matter is taken up for hearing, the learned Additional Public Prosecutor represented that this petitioner is an accused in Crime No.11 of 2016 for the offences under Section 8 of Protection of Child From Sexual Offences Act, 2012 and the investigation is pending before the respondent police.

4. Under such circumstances, once a regular FIR has been registered, the question of 'not to harass' will not arise, because the expression 'harassment' is so subjective that it cannot be encapsulated in an objective criteria. If 'not to harass' order is passed in this case, where a regular FIR has been registered, a notice by the Investigating Officer u/s 41[a] of Cr.P.C. can also be construed as an harassment. This Court has dealt with this aspect at length and passed a detailed order in the case of *Dorand and Others Vs the Superintendent of Police, Nagercoil, Kanyakumari District and another* in *Crl.O.P.[MD] No.1727 of 2016* decided on 01.02.2016.

Hence, this petition is dismissed.

25.10.2016

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To

1. The Inspector of Police, All Women Police Station,
Anna Salai, Vellore - 1
2. The Public Prosecutor, High Court, Madras.

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