

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.11996 of 2016

1.Sindhu
2.Alexander
3.Kanniyappan

... Petitioners

Vs

The Inspector of Police,
Chengalpattu Town Police Station,
Kancheepuram District.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent to not to harass the petitioner in the guise of enquiry.

For Petitioners: Mr.G.Magesh Kumar

For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the respondent-police not to harrass the petitioners.

2. Heard the learned counsel for the petitioners; learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. When the matter is taken up for hearing, learned Additional Public Prosecutor submitted that on the complaint lodged by one Radhakrishnan, the respondent police have registered a case in Crime No.312 of 2016 for the offences under Sections 147, 447, 294[b] and 506[i] IPC against the 1st petitioner and 4 others and the investigation is pending before the respondent.

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.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Chengalpattu Town Police Station,
Kancheepuram District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Mageshkumar, Advocate sr.31296

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srg 01/07/2016

सत्यमेव जयते

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