

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.12749 of 2016

T.Soundarapandiyan

... Petitioner

Vs

1.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

2.Mr.Ramesh Babu,
Deputy Superintendent of Police,
Kancheepuram DCB,
Kancheepuram.

3.The Inspector of Police,
District Crime Branch,
Kancheepuram.

4.Jawahar

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents not to harass the petitioner under the guise of continuous of investigation in DCB, Kancheepuram in Cr.No.4 of 2016.

For Petitioner : Dr.G.Krishnamurth

For R1 to R3 : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the respondents 1 to 3 not to harass the petitioner.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondents 1 to 3 and perused the materials placed on record.

3. It is seen that this petitioner was arrested in Crime No.4 of 2016 for the offences under Section 406, 420 and 506 [i] IPC read with Section 34 IPC and has been released on bail. Since he is needed for further enquiry, the respondent police are calling him.

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 VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

2.The Deputy Superintendent of Police,
Kancheepuram DCB,
Kancheepuram.

3.The Inspector of Police,
District Crime Branch,
Kancheepuram.

4.The Public Prosecutor,
High Court, Madras.

1 cc to Dr.G.Krishnamurthy, Advocate, sr.35806

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mg co
kra 12.07.2016