

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.14151 of 2016

1.Kavitha
2.M.Kaviarasan
3.Puviarasan
4.R.Mani
5.Tamilarasi

... Petitioners

Vs

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

2.The Inspector of Police,
Food Cell, CID,
Villupuram,
Villupuram District.

.... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 2nd respondent not to harass the petitioners.

For Petitioners : Mr.R.Sankarasubbu

For Respondents : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the 2nd respondent not to harass the petitioners.

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

3. It is seen that the 1st petitioner-Kavitha is involved in three cases in Crime Nos.156/15, 86/16 and 82/16 and petitioners 2 to 4 [Kaviarasan, Puviarasan and Mani] are involved in two cases in Crime Nos.82/16 and 85/16. It is seen that in some cases, the petitioners were granted anticipatory bail, but they were not even furnished surety.

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.

5. Hence, this petition stands dismissed as regards petitioners 1 to 4. As regards Tamilarasi/5th petitioner is concerned, learned Additional Public Prosecutor submitted that she is not required for enquiry and the same is recorded.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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

2.The Inspector of Police,
Food Cell, CID,
Villupuram,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.R.Sankarasubbu, Advocate Sr.No.39437

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RK(CO)

KP(29.07.2016)