

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.14928 of 2016

S.Sri Gowtham

... Petitioner

Vs

State represented by
The Inspector of Police,
S-4, Nandambakkam Police Station,
Nandambakkam, Chennai - 600 089.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the Inspector of Police, S-4, Nandambakkam Police Station, Nandambakkam, Chennai, "not to harass the petitioner" based on Crime Nos.1079, 1081, 1083, 1086 and 1102 of 2016.

For Petitioner : Mr.M.Raj Kumar

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

O R D E R

This Criminal Original Petition has been filed praying to direct the respondent not to harass the petitioner.

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

3. When the matter is taken up for hearing, the learned Additional Public Prosecutor represented that this petitioner is an accused in Crime No.1079 of 2016 for the offences under Sections 394, 395 and 397 IPC and the investigation is pending before the respondent police.

4. It is seen that even according to the petitioner, a case in Crime Nos. 1079, 1081, 1083, 1086 and 1102 of 2016 have been registered.

5. 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 criterion. 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 CrI.O.P.[MD] No.1727 of 2016 decided on 01.02.2016.

Hence, this petition is dismissed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ds

To

1. The Inspector of Police,
S-4, Nandambakkam Police Station,
Nandambakkam, Chennai - 600 089.
2. The Public Prosecutor,
High Court, Madras.

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PPA(CO)
CA(23/08/2016)

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