

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.OP.No.15452 of 2016

Sudha

... Petitioner

Vs

State by

Inspector of Police (crime)

C-2, Elephant Gate Police Station,
Chennai.

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent police to Not to harass the petitioner in the name of enquiry.

For Petitioner : Mr.J.N.Naresh Kumar

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

O R D E R

This petition has been filed to direct the respondent police not to harass the petitioner in the name of enquiry.

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

3. When the matter was taken up for hearing, learned Additional Public Prosecutor submitted that this petitioner is an accused in Crime No.870 of 2016 for the offence under Section 380 IPC and that 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 CrI.O.P.[MD] No.1727 of 2016 decided on 01.02.2016.

Hence, this petition is dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gya

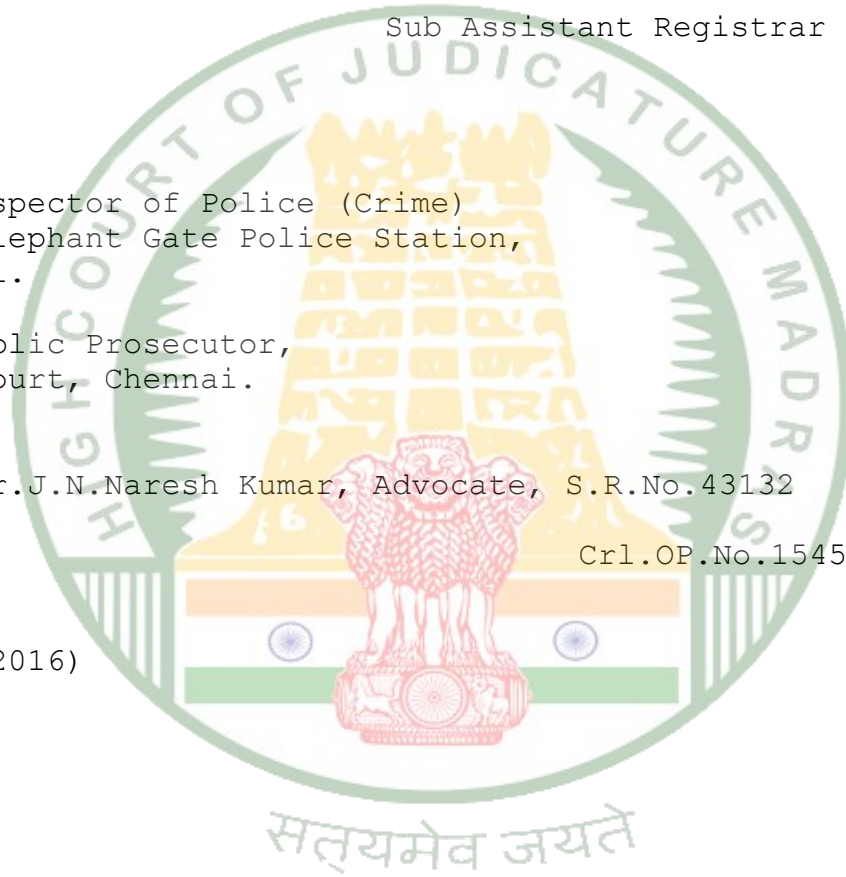
To

1. The Inspector of Police (Crime)
C-2, Elephant Gate Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.J.N.Naresh Kumar, Advocate, S.R.No.43132

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AD(CO)
CA(09/08/2016)



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