

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.15454 of 2016

1.R.Vinod Kumar
2.V.Dhanalakshmi

... Petitioners

Vs

1.The Inspector of Police,
E-4, Abhiramapuram Police Station,
Chennai-18.

2.The Sub Inspector of Police,
E-4, Abhiramapuram Police Station,
Chennai-18.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondents not to harass the petitioner in the guise of enquiry on the false complaint of verbal abuse especially since the civil case is pending before the trial Court.

For Petitioners :Mr.P.B.Sampathkumar
For Respondents :Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents not to harass the petitioners.

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

3. When the matter is taken up for hearing, the learned Additional Public Prosecutor submitted that the petitioners are accused in Crime No.1273 of 2016 for the offences under Section 294(b) and 506(i) IPC and 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 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

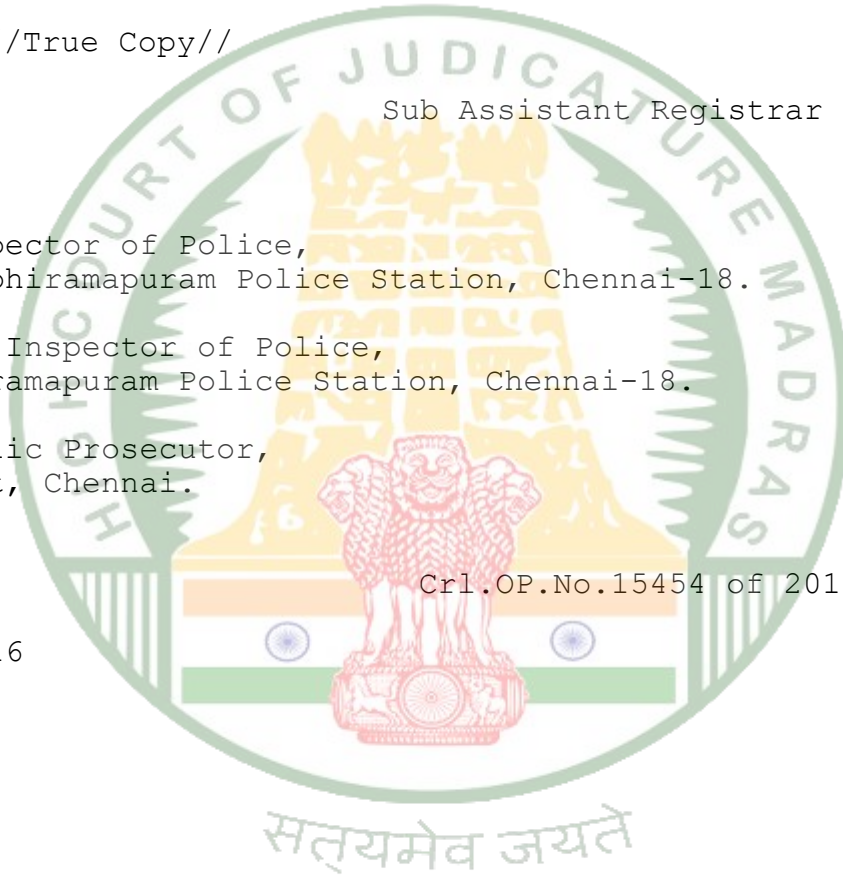
1.The Inspector of Police,
E-4, Abhiramapuram Police Station, Chennai-18.

2.The Sub Inspector of Police,
E-4, Abhiramapuram Police Station, Chennai-18.

3.The Public Prosecutor,
High Court, Chennai.

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CTK(CO)
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