

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.15793 of 2016

1.Asmathunisa
2.Shabirkhan

... Petitioners

Vs

1.The Deputy Commissioner of Police,
Mylapore,
Chennai.

2.The Inspector of Police,
D-3, Police Station,
Ice House,
Chennai-14.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondents not to harass the petitioners.

For Petitioners :Mr.G.Jeremiah

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 petitioners 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 a case in Crime No.613 of 2016 has been registered for the offence under Section 107 Cr.P.C. and the matter is pending before the Deputy Commissioner of Police, Mylapore.

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 II)

//True Copy//

Sub Assistant Registrar

To

- 1.The Deputy Commissioner of Police,
Mylapore, Chennai.
- 2.The Inspector of Police,
D-3, Police Station,
Ice House,
Chennai-14.
- 3.The Public Prosecutor,
High Court, Chennai.

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