

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.08.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.16126 of 2016

1.P.R.Vairamani
2.N.Uma Maheswari

... Petitioners

Vs

1.The Inspector of Police,
R-9, Valasaravakkam Police Station,
Valasaravakkam, Chennai-87.

2.The Inspector of Police,
T-4, Maduravoyal Police Station,
Chennai-600 95.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondents not to harass the petitioners in Crime No.86 of 2016.

For Petitioners : Mr.S.Kumaradevan
For Respondents : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the respondents not to harass the petitioners in Crime No.86 of 2016.

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

3. When the matter is taken up for hearing, learned Additional Public Prosecutor represented that these petitioners are accused in Crime No.86 of 2016 for the offence under Section 380 IPC and the investigation is pending before the 2nd respondent police.

4. Even according to the petitioner, three more cases have been registered against them in Crime Nos.160 of 2016, 161 of 2016 and 164 of 2015. That apart, on the complaints given by the petitioners, petition enquiries are pending in CSR.Nos.1564 of 2014, 1595 of 2014 and 177 of 2014.

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 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

/TRUE COPY/

Sub-Assistant Registrar

gya

To

1.The Inspector of Police,
R-9, Valasaravakkam Police Station,
Valasaravakkam,
Chennai-600 087.

2.The Inspector of Police,
T-4, Maduravoyal Police Station,
Chennai-600 95.

3.The Public Prosecutor,
High Court, Madras.

+ 1 CC to Mr.S.Kumaradevan, Advocate SR NO 45332

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SVI [CO]
PRK/30/08

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