

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.08.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.17746 of 2016

A.Madhavaraman

... Petitioner

Vs

The Inspector of Police,
Kottur Police Station,
Mannargudi Taluk,
Thiruvarur District.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent not to harass the petitioner.

For Petitioner : Mr.V.Kasinatha Bharathi
For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the respondent not to harass the petitioner.

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 represented that this petitioner is suspect in Crime No.126 of 2016 for the offence under Section 436 IPC and the 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/-
Asst.Registrar (CS II)

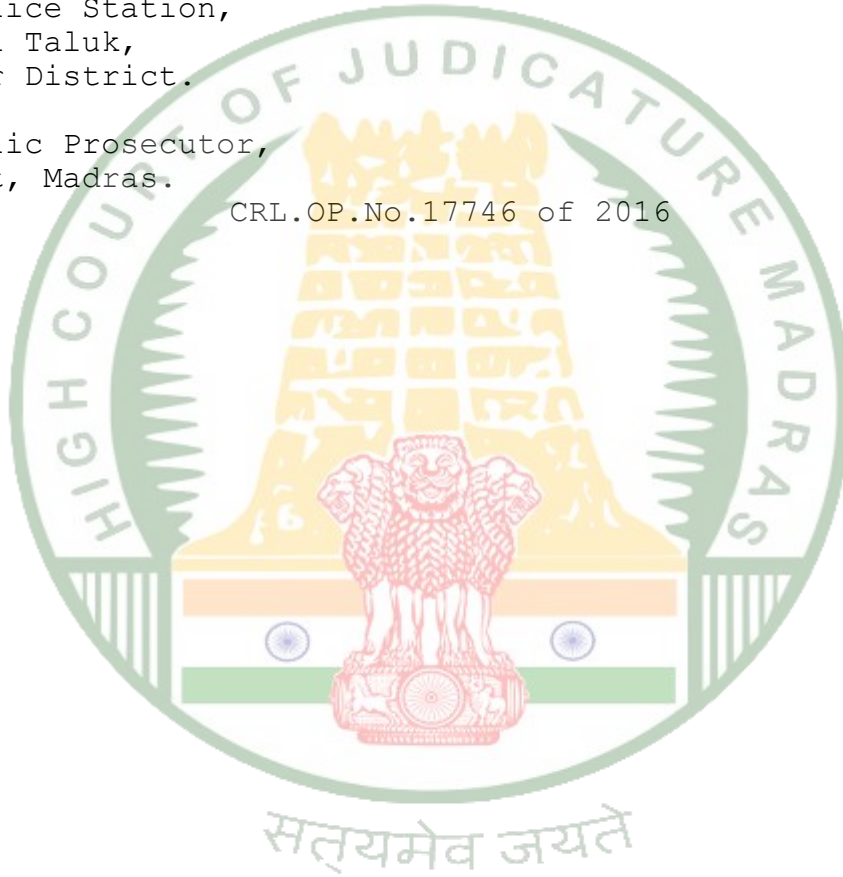
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Sub Asst. Registrar

To
1.The Inspector of Police,
Kottur Police Station,
Mannargudi Taluk,
Thiruvarur District.

2.The Public Prosecutor,
High Court, Madras.

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