

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.18850 OF 2016

1.G.Narayanasamy
2.Parimala

... Petitioners

Vs

State rep by
The Inspector of Police,
Cheyyar Taluk Police Station,
Thiruvannamalai District.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent not to harass the petitioner[s] and their family members.

For Petitioners : Mr.M.Premkumar

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

O R D E R

This petition has been filed to direct the respondent not to harass the petitioners and their family members.

2. Heard the learned counsel for the petitioners; learned Additional Public Prosecutor 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 the 1st petitioner is an accused in Crime No.879 of 2016 for offences under Section 448, 323, 355 and 506[i] 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 criterion. 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 IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Cheyyar Taluk Police Station,
Thiruvannamalai District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Premkumar, Advocate, S.R.No.50603

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KGK(CO)
CA(20/09/2016)

सत्यमेव जयते
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