

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.19802 of 2016

Sheeladevi

.. Petitioner

Vs

State by Inspector of Police,
S.R.M.C.Police Station,
Chennai, Thiruvallur
District.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to issue necessary direction to the Respondent not to harass the petitioner and her family members and to save the petitioner and her family members.

For Petitioner : Mr.R.Ramesh

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

ORDER

This petition has been filed seeking a direction to the respondent not to harass the petitioner and her family members and to save the petitioner and her family members.

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

3. Today, when the matter was taken up for hearing , the learned Additional Public Prosecutor submitted that a regular case in Cr.No.1585 of 2016 was registered on 25.08.2016 for the offences u/s 341, 342, 324, 506(ii) and 379 IPC.

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, the Criminal Original Petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

kmi

To

1. The Inspector of Police, S.R.M.C.Police Station,
Chennai, Thiruvallur District.
2. The Public Prosecutor, High Court, Madras.

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KSJ (CO)
MD : 03/10/2016



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