

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.21351 of 2016

Servocraft HR Solutions Pvt. Ltd.,
Rep. by E.Gabriel Sudakar
11/20, 1st Street Tatabad,
Sivanandha Colony,
Coimbatore-641 012.Petitioner

Vs

1. The Commissioner of Police,
Coimbatore City, Coimbatore.
2. The Inspector of Police,
C4, Rathnapuri Police Station,
Coimbatore.Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents not to harass the petitioner.

For Petitioner : Mr.R.Neethi Perumal
For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

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

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

3. When the matter is taken up for hearing, the learned Additional Public Prosecutor submitted that on a complaint given by one Manikandan, the respondent police registered a case in Crime No. 853 of 2016 on 08.09.2016 for offences under Sections 75(1)(c) & 506(1) IPC against the petitioner.

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 a 'not to harass' order is passed in this case, where a regular FIR has been registered, a notice by the Investigating Officer under Section 41(a) Cr.P.C. can also be construed as an harassment. This Court has dealt with this aspect at length and passed a detailed in the case of Dorand and others Vs. the Superintendent of Police, Nagercoil, Kanyakumar District and another in Cr1.O.P. (MD) No. 1727 of 2016 decided on

01.02.2016.

5. With the above observation, the Criminal Original Petition is dismissed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1. The Commissioner of Police,
Coimbatore City, Coimbatore.

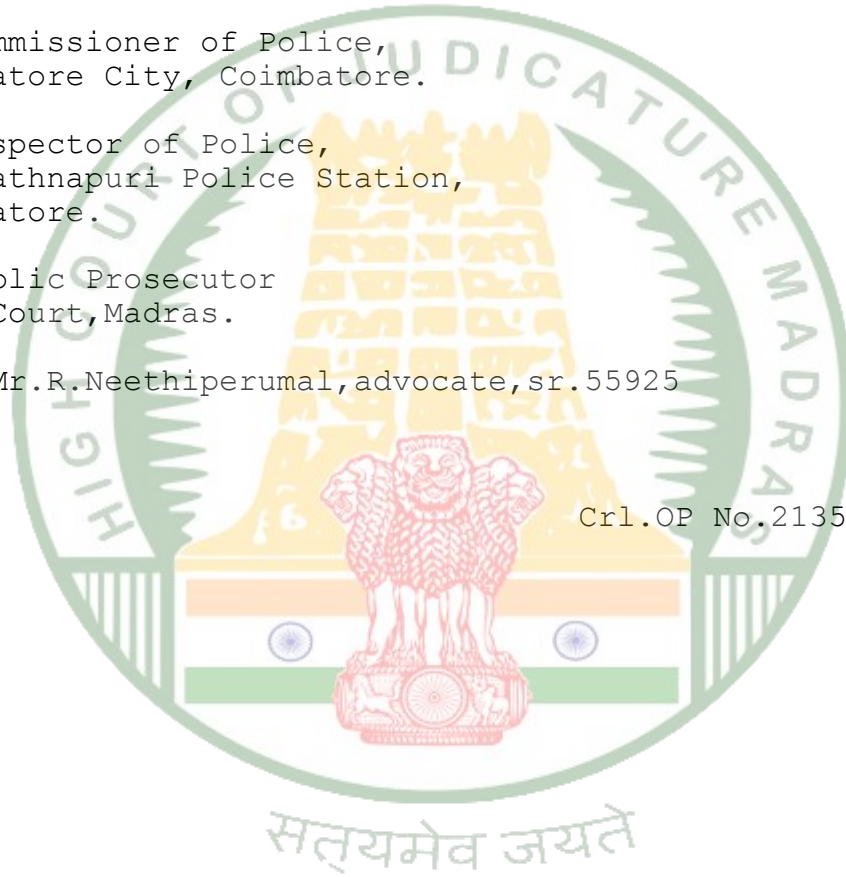
2. The Inspector of Police,
C4, Rathnapuri Police Station,
Coimbatore.

3. The Public Prosecutor
High Court, Madras.

+1 cc to Mr.R.Neethiperumal, advocate, sr.55925

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