

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.21478 of 2016

1.A.Narendar Kumar
2.Amara Ram
3.Gaurav
4.Prakash

.. Petitioners

Vs

The State represented by
Inspector of Police,
K2, Ayanavaram Police Station,
Chennai - 23.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent not to harass the petitioners under the guise of enquiry.

For Petitioners: Mr.T.K.Sathiaseelan

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

ORDER

This petition has been filed to direct the respondent not to harass the petitioners under the guise of enquiry.

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

3.It is submitted by the learned counsel for the petitioners that as against one Kivraj, who is a relative of the petitioners, a theft case has been registered by the respondent Police in Crime No.1191 of 2016.

4.It is submitted by the learned counsel for the petitioners that the said Kivraj has gone to Rajasthan. Under such circumstances, the respondent Police harassing the petitioners under the guise of enquiry.

5.This Court is of the view that, 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) of Cr.P.C., can also be construed as an harassment. This Court 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 Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

jbm

To

1.The Inspector of Police,
K2, Ayanavaram Police Station,
Chennai 23.

2.The Public Prosecutor
High Court,Madras.

Crl.OP No.21478 of 2016

ak co
srg 24.10.2016

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