

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.21660 OF 2016

Dhanachezyan

... Petitioner

Vs

1.The Superintendent of Police,
Vellore, Vellore District.

2.The Inspector of Police,
Narcotic's Wing, AlameluRangapuram,
Vellore, Vellore District.

...

Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 2nd respondent not to harass the petitioner without any due process of law.

For Petitioner : Mr.M.Sathishkumar

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

O R D E R

This petition has been filed to direct the 2nd respondent not to harass the petitioner.

2. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for the respondents and perused the materials placed on record.

3. When the matter is taken up for hearing, the learned Additional Public Prosecutor represented that this petitioner is an accused in Crime No.42 of 2015 for the offences under Section 8C r/w 21(c) 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) and the investigation is pending before the 2nd 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-

Assistant Registrar

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Sub Assistant Registrar

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To

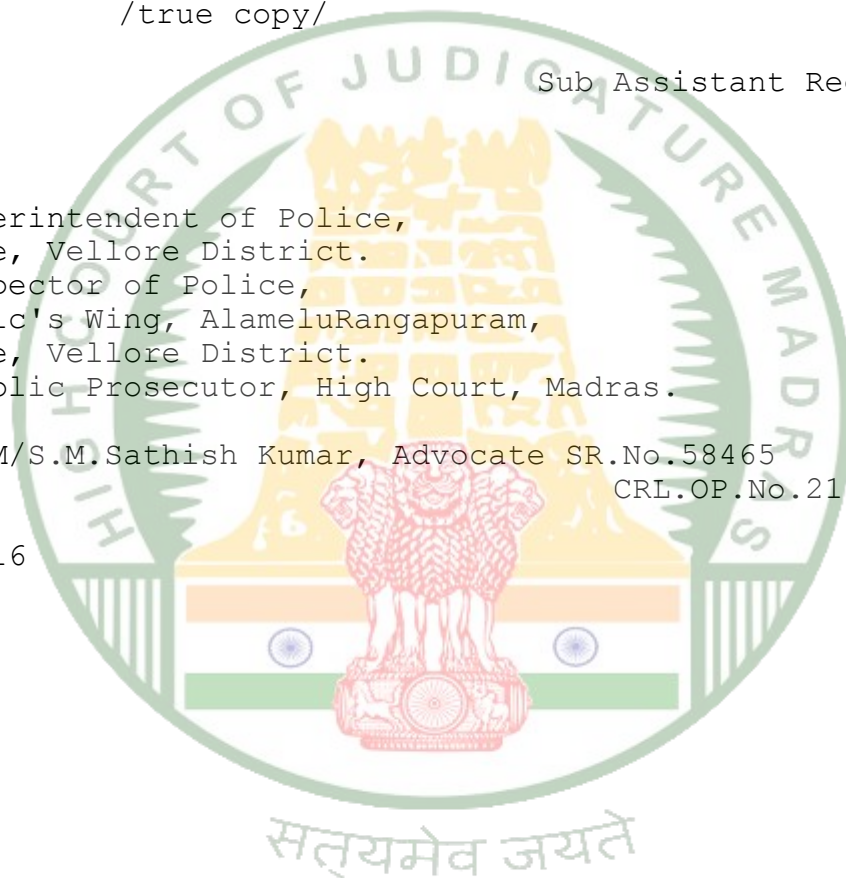
- 1.The Superintendent of Police,
Vellore, Vellore District.
- 2.The Inspector of Police,
Narcotic's Wing, AlameluRangapuram,
Vellore, Vellore District.
3. The Public Prosecutor, High Court, Madras.

+1 CC to M/S.M.Sathish Kumar, Advocate SR.No.58465

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