

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.21748 of 2016

G.Sithuraj

.. Petitioner

Vs

1. The Superintendent of Police,
Nethimedu, Salem.

2. The Inspector of Police,
Mecheri Police Station,
Mecheri, Salem District.

.. Respondents

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

For Petitioner : Mr.K.L.Sekar

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

ORDER

This petition has been filed to direct the respondent police 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 a case in Crime No.276 of 2016 has been registered against the petitioner.

P.N.PRAKASH,J

rts

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 order in the case of *Dorand and others vs. the Superintendent of Police, Nagercoil, Kanyakumar District and another in Crl.O.P.(MD) No. 1727 of 2016 decided on 01.02.2016.*

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

23.06.2016

rts

To

1. The Superintendent of Police,
Nethimedu, Salem.
2. The Inspector of Police,
Mecheri Police Station,
Mecheri, Salem District.
3. The Public Prosecutor
High Court, Madras.

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