

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :26.09.2016
CORAM
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
Crl.OP.No.21866 of 2016

1.Raja
2.R.Prabhakaran ... Petitioners

Vs

State rep. by
The Inspector of Police,
Pennalurpet Police Station,
Tiruvallur District. ... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent police not to harass the petitioner and their family members and allow them to reside peacefully with their family.

For Petitioners : Mr.V.P.Dillibabu
For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to the respondent police not to harass the petitioner and their family members.

2. Heard the learned counsel appearing for the petitioner; 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 submitted that a regular case in Crime No.211 of 2016 has been registered against the petitioners for the offences under Sections 379, 430, 294(b) and 307 IPC and the investigation is pending before the 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.

s/d-
Assistant Registrar

True Copy

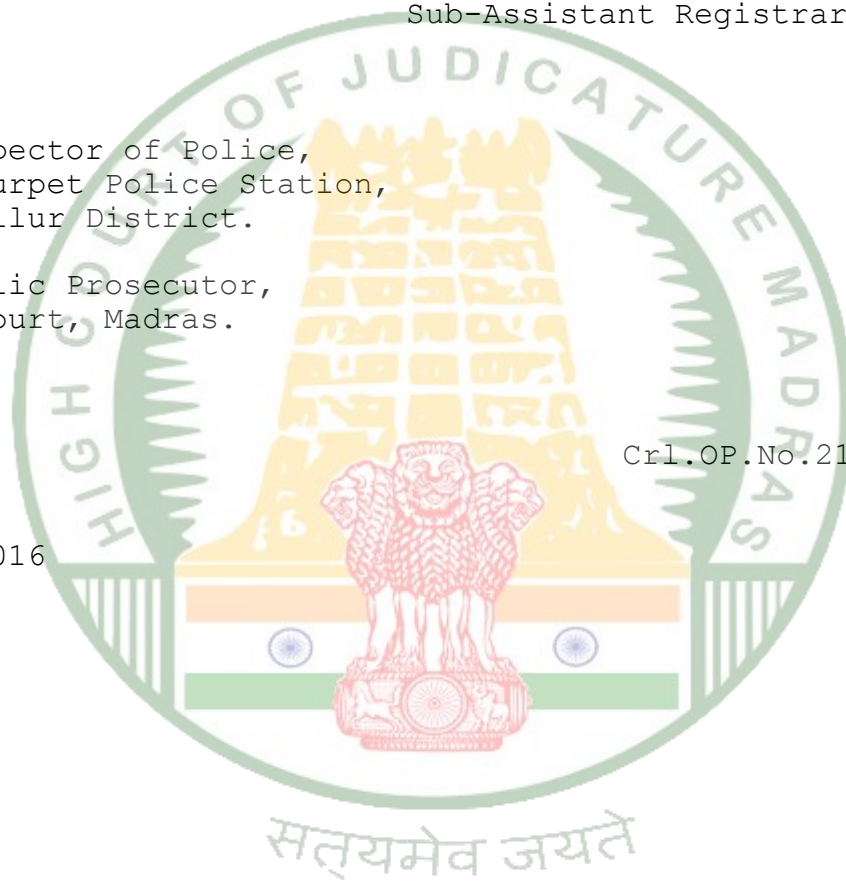
Sub-Assistant Registrar

To

- 1.The Inspector of Police,
Pennalurpet Police Station,
Tiruvallur District.
- 2.The Public Prosecutor,
High Court, Madras.

aa21/10/2016

Crl.OP.No.21866 of 2016



WEB COPY