

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.22210 of 2016

Ayyappan @ Devanathan

... Petitioner

Vs

State rep. by
The Inspector of Police,
Neyveli Town Police Station
(VIII Block),
Cuddalore District.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent not to harass the petitioner and his father in law namely S.Murugan, and his brother namely S.Murthy without due process of law.

For Petitioner : Mr.V.Murugesan

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

ORDER

This petition has been filed to direct the respondent not to harass the petitioner and his father-in-law namely S.Murugan, and his brother namely S.Murthy.

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.389 of 2016 has been registered 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 Crl.O.P.(MD) No. 1727 of 2016 decided on 01.02.2016.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rts

To

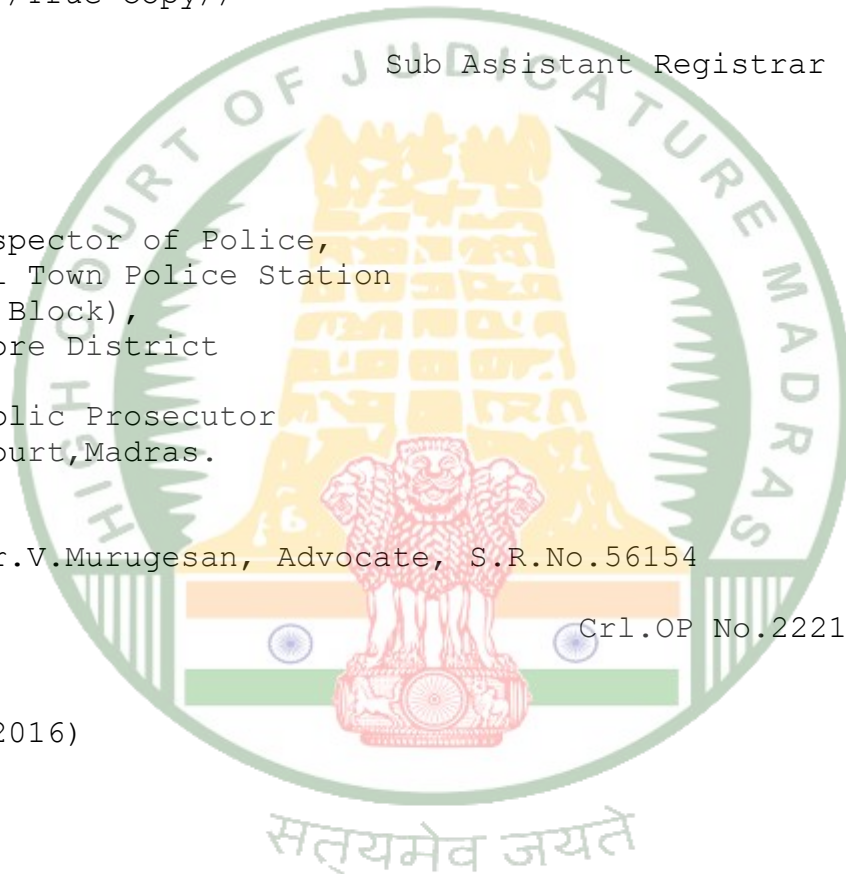
1. The Inspector of Police,
Neyveli Town Police Station
(VIII Block),
Cuddalore District

2. The Public Prosecutor
High Court, Madras.

+1cc to Mr.V.Murugesan, Advocate, S.R.No.56154

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RSI (CO)
CA(19/10/2016)



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