

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.22767 OF 2016

Mahiranjam

... Petitioner

Vs

1. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai-600 007.

2. The Inspector of Police
J10, Chemmanchery Police Station,
Chennai.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents not to HARASS the petitioner without due process of law to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

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

O R D E R

This petition has been filed to direct the respondents 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 submitted that this petitioner is an accused in Crime No.1410 of 2016 for the offence under Section 110(a) 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.

Mk

Sd/-

Assistant Registrar (CS II)

/TRUE COPY/

Sub-Assistant Registrar

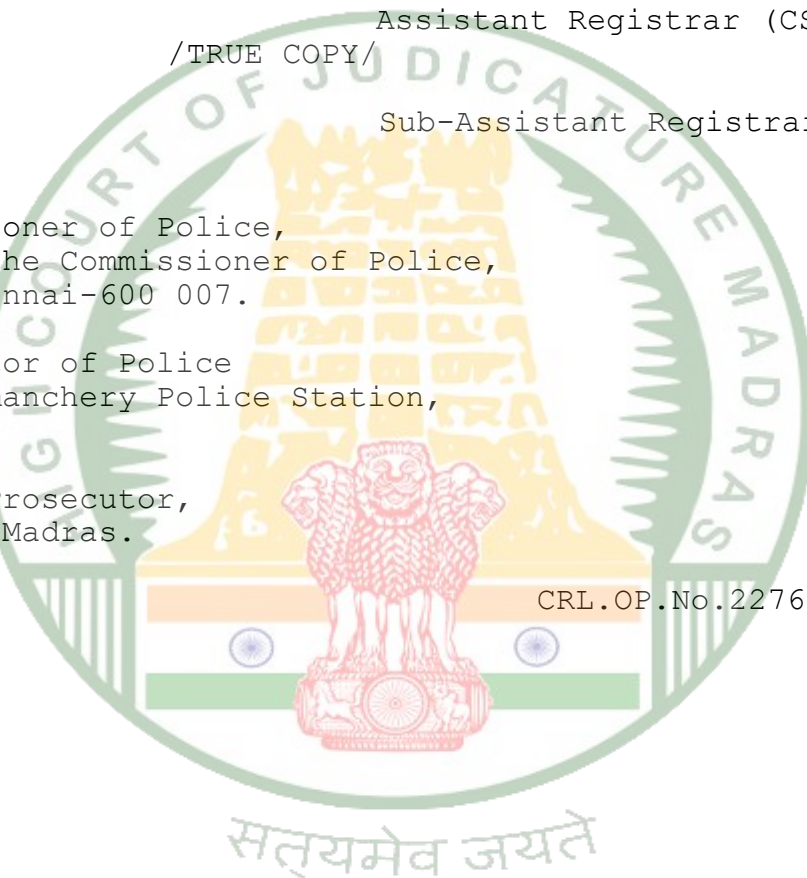
To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai-600 007.
2. The Inspector of Police
J10, Chemmanchery Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

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NM[CO]

MK:12/11/2016



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