

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.22802 of 2016

Subathra

...Petitioner

Vs.

State rep.by
Inspector of Police, L & O
B-2, Esplande Police Station,
Chennai District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to pass an order, directing the Inspector of Police, Law and Order, B-2, Esplande Police Station, not to harass the petitioner or pass any other order, such order deem to be fit and proper.

For Petitioner : M/s.S.Suresh

For Respondent : Mr.C. Emalias
Addl. 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.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. Today, when the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that a regular case has been registered against this petitioner by the Mumbai 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 CrI.O.P. [MD] No.1727 of 2016 decided on 01.02.2016.

-s/d-
Assistant Registrar (CSII)

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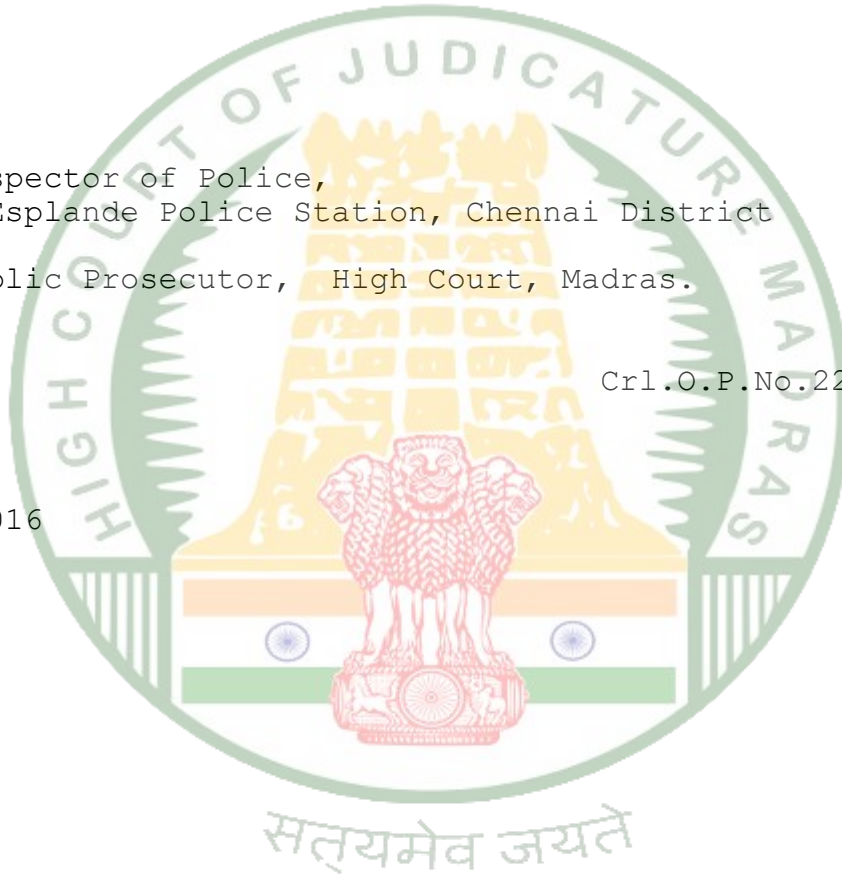
Sub-Assistant Registrar

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To

1. The Inspector of Police,
B-2, Esplande Police Station, Chennai District
2. The Public Prosecutor, High Court, Madras.

CrI.O.P.No.22802 of 2016

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