

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.11.2016
CORAM
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
CRL.OP.No.23258 OF 2016

B.Sampath

... Petitioner

Vs

1. State Rep. by
The Assistant Commissioner of Police
Vadapalani, Chennai-600 026.
2. The Inspector of Police, Crime
R-8, Vadapalani Police Station,
Vadapalani, Chennai-600 026.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents not to harass the petitioner in Crime No.982 of 2016 on the file of the respondent police.

For Petitioner : Mr.V.Kannadasan

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 in Crime No.982 of 2016 on the file of the respondent police.

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.982 of 2016 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Assistant Commissioner of Police
Vadapalani, Chennai-600 026.
2. The Inspector of Police, Crime
R-8, Vadapalani Police Station,
Vadapalani, Chennai-600 026.
3. The Public Prosecutor, High Court, Madras.

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