

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.24463 of 2016

Gunasundari

.. Petitioner

Vs

1. The Superintendent of Police,
Villupuram District,
Villupuram.

2. The Inspector of Police,
District Crime Branch,
Villupuram District.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents not to harass the petitioner based on the representation dated 31-10-2016.

For Petitioner : Mr.D.S.Thirumavalavan

For respondents : Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

This petition has been filed to direct the respondents not to harass the petitioner based on her representation dated 31-10-2016.

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

3. Today, Mr.L.Vasanthakumari, Inspector of Police, E.O.W.-II, Villupuram, is present.

4. On instructions, learned Additional Public Prosecutor submitted that on the complaint given by one Ravichandran, the petition enquiry is pending before the District Crime Branch, Villupuram. While so, on the complaint given by Narayanasamy, a regular FIR has been registered against this petitioner in Cr.No.5 of 2016 on 07.10.2016 u/s 420 of IPC and 4(i) of the Chit Fund Act, by the Inspector of Police, E.O.W-II, Villupuram.

The allegation in the complaint is that the petitioner has cheated 21 persons to the tune of Rs.31,44,000/-. He also submitted that more complaints are pouring in.

5. 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 criterion. 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.

Hence, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Villupuram District,
Villupuram.

2. The Inspector of Police,
District Crime Branch,
Villupuram District

3. The Inspector of police,
E.O.W-II, Villupuram.

4. The Public Prosecutor
High Court, Madras.

+1cc to D.S.Thirumavalavan, Advocate Sr.64079

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srg 02/12/2016