

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.NO.25069 OF 2016

Selva Kumar

... Petitioner

Vs

1. The Deputy Commissioner of Police  
T.Nagar Police Station,  
Chennai-600 017.

2. The Inspector of Police  
R-5, Virugambakkam Police Station,  
Chennai.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 1st & 2nd respondents herein not to harass the petitioner in any manner except by due process of law pursuant to the representation dated 02.11.2016.

For Petitioner : Mr.T.Muruganantham

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

ORDER

This petition has been filed to direct the 1st & 2nd respondents herein not to harass the petitioner in any manner except by due process of law pursuant to the representation dated 02.11.2016.

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

3. Today, Mr.M.Rathinavel Pandiyan, Grade I 31840, J2, Adyar Police Station, Chennai is present.

4. When the matter is taken up for hearing, the learned Additional Public Prosecutor submitted that this petitioner is an accused in Crime No.772 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.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Deputy Commissioner of Police  
T.Nagar Police Station,  
Chennai-600 017.

2. The Inspector of Police  
R-5, Virugambakkam Police Station,  
Chennai.

3. The Public Prosecutor,  
High Court, Madras.

CRL.OP.No.25069 of 2016

CO/VD

RRI 29/12/2016

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