

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.25151 OF 2016

1. Kaja Mohideen

2. Nawaz Sharief

... Petitioners

Vs

1. The Asst. Commissioner of Police,
F3 Nungambakkam Police Station,
Chennai.

2. The Inspector of Police
F3 Nungambakkam Police Station,
Chennai.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents not to harass the petitioners.

For Petitioners : Mr.J.Ramkumar

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 petitioners.

2. Heard the learned counsel for the petitioners 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 a regular case in Crime No.1203 of 2016 has been registered against the petitioners for offence under Section 381 of IPC 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

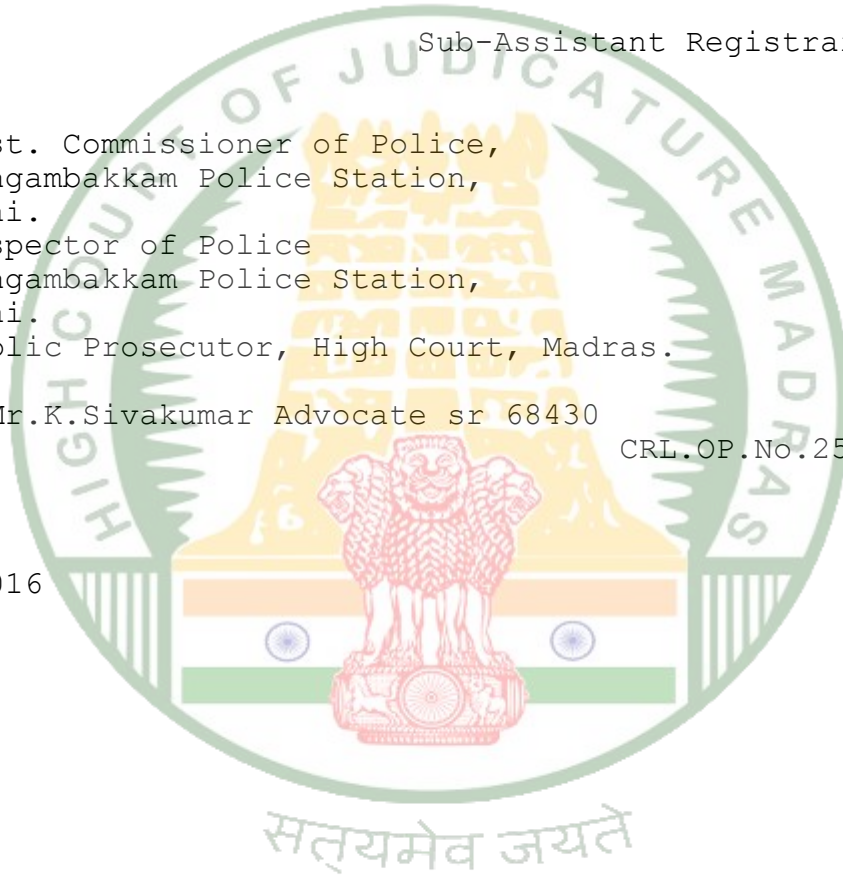
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To

1. The Asst. Commissioner of Police,
F3 Nungambakkam Police Station,
Chennai.
2. The Inspector of Police
F3 Nungambakkam Police Station,
Chennai.
3. The Public Prosecutor, High Court, Madras.

+1 cc to Mr.K.Sivakumar Advocate sr 68430

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