

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.25205 OF 2016

K.Mohamed Naushad Ali

... Petitioner

Vs

1. The Deputy Commissioner of Police
Flower Bazaar Range, Chennai-600 001.
 2. The Assistant Commissioner of Police,
Harbour Range, Chennai-600 001.
 3. The Inspector of Police,
N.3, Muthialpet Police Station,
Chennai.
- ... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 1st & 2nd respondents herein to direct the 3rd respondent herein viz., the Inspector of Police, N.3 Muthialpet Police Station, Chennai NOT TO HARASS the petitioner herein and his staff members any more in future on the pretext of enquiry.

For Petitioner : Mr.J.Ramesh

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

O R D E R

This petition has been filed to direct the 1st & 2nd respondents herein to direct the 3rd respondent herein viz., the Inspector of Police, N.3 Muthialpet Police Station, Chennai not to harass the petitioner herein and his staff members any more in future on the pretext of enquiry.

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

3. When the matter is taken up for hearing, the learned counsel for the petitioner fairly submitted that the case in Crime No.1201/2016 was registered under the Gambling Act and the petitioner was arrested and released on bail.

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(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Commissioner of Police,
Flower Bazaar Range,
Chennai-600 001.
2. The Assistant Commissioner of Police,
Harbour Range,
Chennai-600 001.
3. The Inspector of Police,
N.3, Muthialpet Police Station,
Chennai.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Ramesh, Advocate, S.R.No.67399

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MG(CO)
CA(09/12/2016)