

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.25372 OF 2016

Jayapal

... Petitioner

Vs

1. The Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Chennai-600 007.

2. The State,
Rep. by Inspector of Police,
Valasaravakkam Police Station,
Valasaravakkam, Chennai-600 087.

3. M.Raja

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent not to harass the petitioner.

For Petitioner : Mr.D.Manimaran

For R1 & R2 : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the 2nd respondent not to harass the petitioner.

2. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for the 1st & 2nd respondents.

3. When the matter is taken up for hearing, the learned Additional Public Prosecutor submitted that this petitioner is an accused in Crime No.394 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(CS VII)

//True Copy//

Sub Assistant Registrar

mk
To

1. The Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Chennai-600 007.
2. The Inspector of Police,
Valasaravakkam Police Station,
Valasaravakkam, Chennai-600 087.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/S.D.Manimaran, Advocate sr.70438

सत्यमेव जयते

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srg 03/01/2017

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