

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.25387 OF 2016

R.Srinivasan ... Petitioner

Vs

1. State rep. by
The Deputy Commissioner
Central Crime Branch
Egmore, Chennai-600 008.
2. State rep. by
Inspector of Police
Land Grabbing Cell, Egmore,
Chennai. ... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent not to harass the petitioner under the guise of enquiry by the respondent police by representation dated 11.11.2016.

For Petitioner : Mr.T.Muruganantham

For Respondents : 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 under the guise of enquiry by the respondent police by representation dated 11.11.2016.

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 Additional Public Prosecutor submitted that this petitioner is an accused in Crime No.107 of 2015 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/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

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To

1. The Deputy Commissioner
Central Crime Branch
Egmore, Chennai-600 008.
2. The Inspector of Police
Land Grabbing Cell, Egmore,
Chennai.
3. The Public Prosecutor, High Court, Madras.

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