

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.5304 of 2016

Pon Elengo

... Petitioner

Vs

1.The Revenue Divisional Officer,
Namakkal.

2.The Inspector of Police,
Senthamangalam,
Namakkal District.

...Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondents, not to harass the petitioner from his enjoyment and possession of the land comprised in S.F.No.88/1 situated at Senthamangalam village, Namakkal District without due process of law.

For Petitioner :Mr.S.Muthukrishnan

For Respondents :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents, not to harass the petitioner from his enjoyment and possession of the land comprised in S.F.No.88/1 situated at Senthamangalam village, Namakkal District without due process of law.

2. When the matter is taken up for hearing, the learned Additional Public Prosecutor submitted that on the basis of the report of second respondent in Crime No.47 of 2014, the First Respondent/Revenue Divisional Officer, Namakkal, has passed an order dated 11.03.2016 under Section 155 Cr.P.C.

3. Under such circumstances, no direction as prayed for by the petitioner can be granted. 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 a 'not to harass' order is passed in this case, where a regular FIR has been registered, a notice by the investigation officer under Section 41A 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 CrI.O.P. (MD) No.1727 of 2016 decided on 01.02.2016.

In view of the above, the criminal original petition is closed.

-s/d-

Assistant Registrar (CSV)

True Copy

Sub-Assistant Registrar

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To

- 1.The Revenue Divisional Officer,
Namakkal.
- 2.The Inspector of Police,
Senthamangalam,
Namakkal District.
- 3.The Public Prosecutor,
High Court, Madras.

CrI.OP.No.5304 of 2016

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