

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.6962 of 2016

M.Dharani Raj

... Petitioner

Vs

State rep by its
The Inspector of Police,
Kelampakkam Police Station,
Chennai.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent police not to harass the petitioner.

For Petitioner : Mr.M.Jayakumar

For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the respondent-police not to harass the petitioner on the guise of inquiry.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. Learned Additional Public Prosecutor submitted that on a complaint given by one Panneerselvam, the respondent-police have registered a case in Crime No.109 of 2016 for the offences under Sections 420, 506[i] IPC against one Baskar and this petitioner.

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 IV)

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Sub Asst. Registrar

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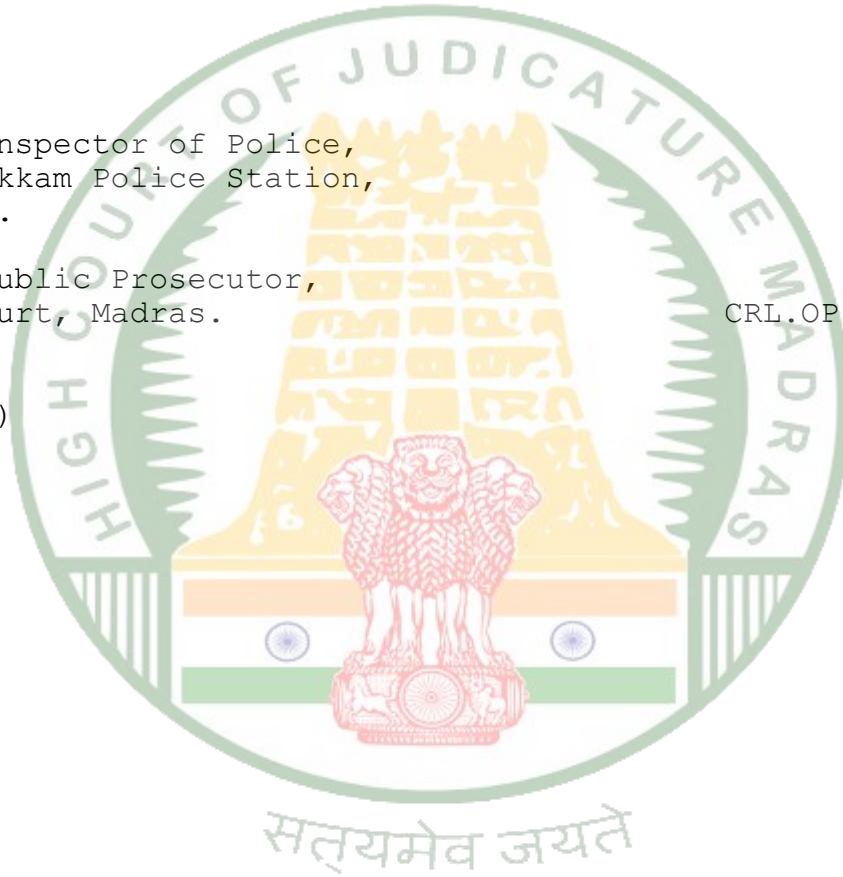
To

1.The Inspector of Police,
Kelampakkam Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

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