



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition (MD) No.6750 of 2016

K.Jeeva

... Petitioner

vs.

1.The Superintendent of Police
Trichy District, Trichy

2.The Inspector of Police
Somarasam Pettai Police Station
Somarasam Pettai, Trichy District

... Respondents

PRAYER: This petition is preferred under Section 482 Cr.P.C., to direct the second respondent not to harass the petitioner in the guise of enquiry.

For Petitioner :Mr.V.Karuna

For Respondents :Mrs.S.Prabha, G.A.(Crl.Side)

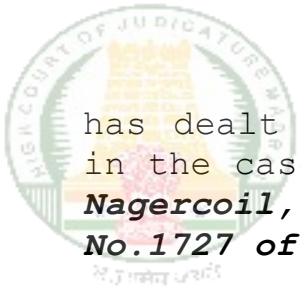
O R D E R

This petition has been filed to direct the second respondent not to harass the petitioner under the guise of enquiry except due process of law.

2. Heard the learned counsel for the petitioner, learned Government Advocate (Criminal Side) appearing for the respondents and perused the materials placed on record.

3. It is represented by the learned Government Advocate (Criminal Side) that a case in Crime No.115 of 2016 has been registered against the petitioner herein, under Section 110 Cr.P.C., and investigation is in progress.

4. Under such circumstances, once a regular F.I.R., 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 F.I.R., has been registered, a notice by the Investigating 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 ***Cro.O.P. (MD) No.1727 of 2016***, decided on ***01.02.2016***.

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5. Hence, this criminal original petition dismissed.

sd/
Assistant Registrar/

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police, Trichy District, Trichy.

2.The Inspector of Police, Somarasam Pettai Police Station,
Somarasam Pettai, Trichy District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.V.Karuna, Advocate in SR.No.24430

SDR/GSV/12.05.2016/2P/5C

Crl.O.P. (MD) No.6750 of 2016