



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.7047 of 2016

WEB COPY

N.Jothi Lingam

... Petitioner

vs.

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

2.The Deputy Superintendent of Police,
Melur Sub-Division, Melur.

3.The Inspector of Police,
Melur Police Station, Madurai District. ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the third respondent not to harass the petitioner under the grab holding enquiry.

For Petitioner : Mr.R.Anand

For Respondents : Mrs.S.Prabha
Government Advocate (Criminal Side)

O R D E R

This petition has been filed to direct the third respondent not to harass the petitioner under the garb of holding enquiry.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the State.

3. When the matter was taken up for hearing, the learned Government Advocate (Crl.Side) submitted that a case in Crime No.367 of 2016 has been registered against the 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 a 'not to harass' order is passed in this case, where a regular FIR 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 Distirct and another in Crl.O.P (MD)No.1727 of 2016 decided on 01.02.2016.**

5. Hence, this Criminal Original Petition is dismissed.

Sd/

Assistant Registrar(CS-I)

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To

- 1.The Superintendent of Police,
Madurai District, Madurai.
- 2.The Deputy Superintendent of Police,
Melur Sub-Division, Melur.
- 3.The Inspector of Police,
Melur Police Station, Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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PA/JGB-SS/10.05.2016/2P/5C