



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2017

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.1303 of 2017

T.Mohanraj @ Motcham

... Petitioner

-vs-

1. The Superintendent of Police,
Thoothukudi.

2. E.Ramaiah

3. Sivaramakrishnan.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondents not to harass the petitioner in the case of the enquiry with the retribution motivation of the 2nd and 3rd respondents and pass such further or other order as this Hon'ble Court may deem fit and proper.

For Petitioner : Mr.M.Mahendran

For R1 : Mr.K.Anbarasan

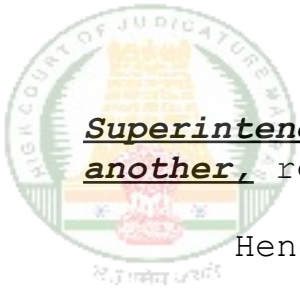
Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed to direct the respondents not to harass the petitioner in the guise of enquiry.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State, who would, on instructions, submit that two cases in MPC Nos.173 and 174 of 2017 under Sections 185, 129 r/w 177 of M.V.Act have been registered against the petitioner.

3. 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 against the petitioner, 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



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Superintendent of Police, Nagercoil, Kanyakumari District and another, reported in 2016 (2) CTC 286.

Hence, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Thoothukudi.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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AE/JC/SAR3/16.06.2017/2P/3C

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