



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.03.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH
Crl.O.P.(MD) No.1932 of 2017

N.K.Pandian

... Petitioner

-vs-

The Inspector of Police (L&O),
Thallakulam Police Station,
Madurai City.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent not to harass the petitioner and pass such further or other orders as this Honourable Court.

For Petitioner	: Mr.R.Venkatesan
For Respondent	: Mr.K.Anbarasan
	Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed to direct the respondent not to harass the petitioner.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State. Mrs.Vasanthi, Sub-Inspector of Police, Tallakulam Police Station is present.

3. On instructions, it was represented by the learned Government Advocate (Crl.Side) that even though there is no petition or complaint pending against the petitioner before the Tallakulam Police Station, a regular FIR in Crime No.19 of 2017 has been registered by All Women Police Station, Tallakulam.

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



Hence, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (C)

/True copy/

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Sub Assistant Registrar

To:

1. The Inspector of Police (L&O),
Thallakulam Police Station,
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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PSM/SKN-RSK/28.03.2017/2P/3C

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