



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2017

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH**Cr1.O.P. (MD) No.3356 of 2017**

Y.Saddiq Basha

... Petitioner

-vs-

1. The Inspector of Police,
Jeeyapuram Police Station,
Trichy.

2. Thiru Ramarajan
Sub Inspector of Police
Jeeyapuram Police Station,
Trichy.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondents herein not to harass the petitioner and his family members including women folk and engineering graduate sons in the guise of any enquiry.

For Petitioner : Mr.M.Muthusamy

For R1 : Mr.K.Anbarasan
Govt. Advocate (Cr1.Side)

O R D E R

This petition has been filed to direct the respondents herein not to harass the petitioner and his family members, including Women Folk and Engineering Graduate sons in the guise of any enquiry.

2. When the matter was taken up for hearing, learned Government Advocate (Cr1.Side) appearing for the State submitted that the petitioner is an accused in Jeeyapuram Police Station Crime No.78 of 2017 for offences under Sections 120-B and 379 IPC.

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 Superintendent of Police, Nagercoil,**



Kanyakumari District and another, reported in 2016 (2) CTC 286.

Hence, this Criminal Original Petition is dismissed.

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/True copy/

Sd/-
Assistant Registrar (RTI)

Sub Assistant Registrar

To:

1. The Inspector of Police,
Jeeyapuram Police Station,
Trichy.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

AR

PSM/SV-MMS/19.04.2017/2P/3C

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