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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2017

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.5195 of 2017

C.Sankar

... Petitioner

-vs-

1. The Superintendent of Police,
Virudhunagar District.

2. The Inspector of Police,
Rural Police Station,
Virudhunagar.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 2nd respondent police not to harass the petitioner and his family members in the pretend of enquiry in the nature and circumstances of the case and in the interest of justice equity and good conscience and thus render justice.

For Petitioner

: Mr.R.Rajamohan

For Respondents

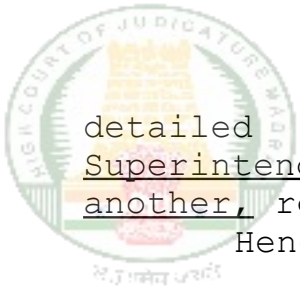
: Mr.A.P.Balasubramani
Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed to direct the 2nd respondent police not to harass the petitioner and his family members under the guise of enquiry.

2. When the matter was taken up for hearing, learned Government Advocate (Crl.Side) appearing for the State submitted that proceedings under Section 107 Cr.P.C. in Crime No.116 of 2017 have been initiated against this 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 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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Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

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To:

1. The Superintendent of Police,
Virudhunagar District.
2. The Inspector of Police,
Rural Police Station,
Virudhunagar.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.R.RAJAMOHAN, Advocate SR.No.54564

Crl.O.P.(MD) No.5195 of 2017

JM/SV/SAR 4/11.05.2017/2P/5C