



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.03.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH
Cr1.O.P. (MD) No.23907 of 2016

T.Thangaraj

... Petitioner

-vs-

1. The Inspector of Police (Crime),
Thilagarthidal Police Station,
Madurai.
2. The Sub Inspector of Police (Crime),
Thilagarthidal Police Station,
Madurai.
3. Ramachandran
4. A.Gandhi

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the Respondents 1 to 3 not to harass the petitioner on the guise of the enquiry against the order of acquittal in favour of the petitioner on 19.09.2016 in S.T.C.No.218 of 2015 on the file of the Learned Judicial Magistrate Court No.II(Fast Track Court at Judicial Level) Madurai.

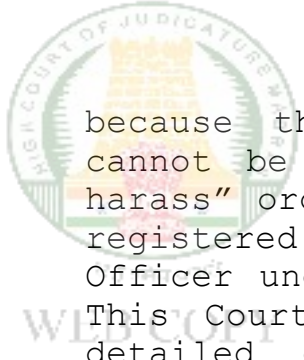
For Petitioner	: Mr.N.Madhava Govindan
For R1 & R2	: Mr.K.Anbarasan Govt. Advocate (Crl.Side)
For R3	: Mr.M.Jeevanandam
For R4	: No Appearance

O R D E R

This petition has been filed to direct the respondents 1 to 3 not to harass the petitioner in the guise of enquiry against the order of acquittal in favour of the petitioner on 19.09.2016 in S.T.C.No.218 of 2015 on the file of the learned Judicial Magistrate Court No.II (Fast Track Court at Judicial Level), Madurai.

2. When the matter was taken up for hearing, learned Government Advocate (Crl.Side) appearing for the State submitted that a case in Crime No.73 of 2017 has been registered against this petitioner.

<https://hcservices.ecourts.gov.in/hcservices/> 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 (CS-III)

/True copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate No.II (FTC), Madurai.
2. -do- thro' The Chief Judicial Magistrate, Madurai.
3. The Inspector of Police (Crime),
Thilagarthidal Police Station,
Madurai.
4. The Sub Inspector of Police (Crime),
Thilagarthidal Police Station,
Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.MADHAVAGOVINDAN, Advocate, SR No. 13321

AR

PSM/RSK-SKN/24.03.2017/2P/7C

Cr1.O.P.(MD) No.23907 of 2016
08.03.2017