

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 01.10.2018
CORAM
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.20897 of 2018

M.K.Mathivathanan ... Petitioner
Vs

1.State Rep by its,
The Inspector of Police (Crime),
R-10, M.G.R Nagar Police Station,
Chennai 600 083.

2.Baskaran ... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 1st respondent police to not harass the petitioner based on the complaint given by the 2nd respondent.

For Petitioner : Mr.P.Saranath
For Respondents : Mr.C.Raghavan, (For R1)
Government Advocate (Crl.Side)

: M/s.S.Lingesh
Mr.C.Balasundar (For R2)

O R D E R

This petition has been filed to direct the 1st respondent police to not harass the petitioner based on the complaint given by the 2nd respondent under the guise of enquiry.

2.Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) for the 1st respondent and the learned learned counsel for the 2nd respondent and perused the materials placed on record.

3.When the matter is taken up for hearing, the learned Government Advocate (Crl. Side) appearing for the 1st respondent submitted that on the complaint lodged by one Baskaran (2nd respondent herein) a regular FIR has been registered in Crime No.426 of 2018 on 06.09.2018 under Sections 406, 420, 417, 294 B and 506 part 1 I.P.C against the petitioner on the file of the R-10, M.G.R Nagar Police Station.

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 criterion. If 'not to harass' order is passed in this case, where a regular FIR has been registered, a notice by the Investigating Officer u/s 41-A of Cr.P.C. 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 in Crl.O.P.[MD] No.1727 of 2016 decided on 01.02.2016.

Hence, this petition is dismissed.

01.10.2018

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To

1.The Inspector of Police (Crime),
R-10, M.G.R Nagar Police Station,
Chennai 600 083.

2.The Public Prosecutor,
High Court, Madras.

P.N.PRAKASH, J.

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