

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.21294 of 2018

A.Rajendran

..Petitioner

Vs.

State rep. by
Inspector of Police,
District Crime Branch,
Tiruvannamalai.

...Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent not to harass the petitioner in connection with abovesaid complaint and enquiry before the repondent police.

For Petitioner : Mr.D.Nandagopal
For Respondent : Mr.C.Raghavan, GA

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 for the respondent and perused the materials placed on record.

3.When the matter is taken up for hearing, the learned Government Advocate submitted that a regular case in Crime No.06 of 2015 is pending against the petitioner on the file of the respondent for offences under Sections 420 and 506(1) IPC.

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.

Dua

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

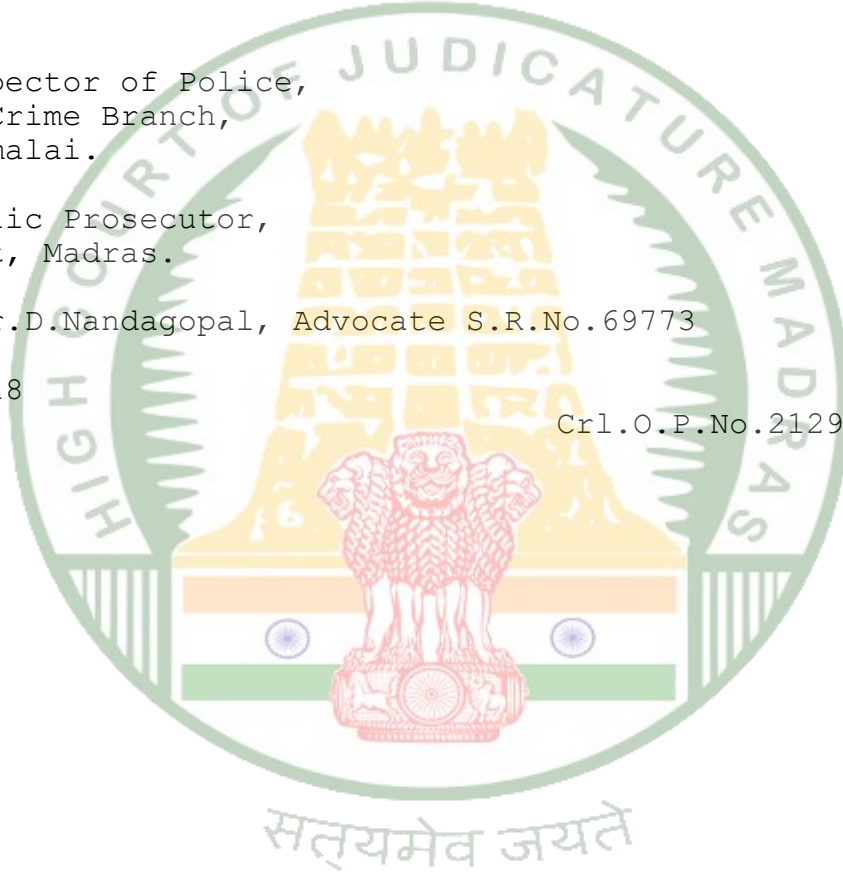
1.The Inspector of Police,
District Crime Branch,
Tiruvannamalai.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Nandagopal, Advocate S.R.No.69773

KR/24/10/18

Cr1.O.P.No.21294 of 2018



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