

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.21567 of 2018

C.Mariappan

.. Petitioner

Vs

1.The State rep. by  
The Superintendent of Police,  
Coimbatore District, Coimbatore.

2.The Inspector of Police,  
Karumathampatty Police Station,  
Coimbatore District.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the Inspector of Police, Karumathampatty Police Station, Coimbatore District, the 2<sup>nd</sup> respondent herein, not to harass the petitioner without following due process of law under the garb of conducting inquiry in connection with the case in Crime No.366 of 2018 on the file of the 2<sup>nd</sup> respondent.

For Petitioner : Mr.S.Kumarsankar  
For Respondents : Mr.C.Raghavan, GA

O R D E R

This petition has been filed to direct the respondents not to harass the petitioner under the guise of enquiry.

2.Heard the learned counsel for the petitioner and the learned Government Advocate and perused the materials placed on record.

3.When the matter is taken up for hearing, the learned Government Advocate submitted that on the complaint lodged by one Kaliappan, the 2<sup>nd</sup> respondent registered a case in Crime No.366 of 2018 is pending investigation, in which, the role of the petitioner is being suspected by the Police.

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.

Sd/-  
Assistant Registrar(CS V)

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Sub Assistant Registrar

gya

To

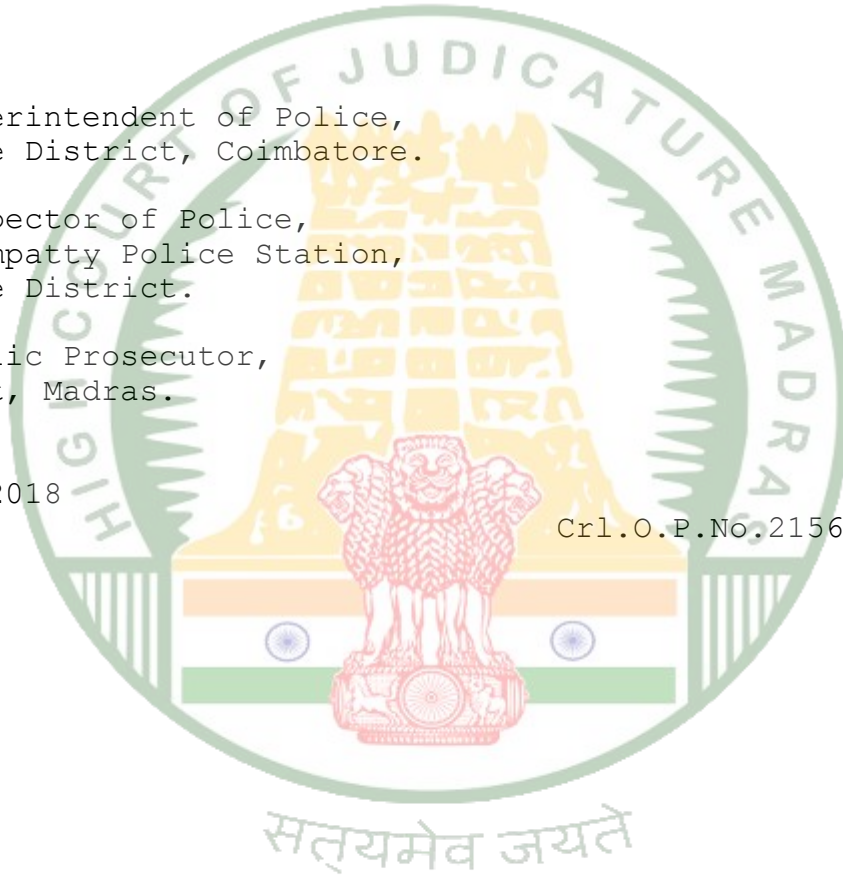
1.The Superintendent of Police,  
Coimbatore District, Coimbatore.

2.The Inspector of Police,  
Karumathampatty Police Station,  
Coimbatore District.

3.The Public Prosecutor,  
High Court, Madras.

SKV(CO)  
sm:23.10.2018

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