

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.08. 2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.20587 of 2018

1.G.Kandasamy

2.A.Govindasamy

... Petitioners

Vs

1. The State represented by
The Additional Deputy Superintendent of Police,
Perambalur Taluk,
Perambalur District.

2. The Deputy Superintendent of Police,
Perambalur Taluk,
Perambalur District.

3. The Inspector of Police,
Arumbavur Police Station,
Veppanthattai Taluk,
Perambalur District.

.... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondents herein not to harass the petitioners at the instance of any complaint in respect of the lands purchased by them measuring an extent of 6.55 $\frac{3}{4}$ acres along with Stone crusher plant and machineries, covered under Patta No.1826 and 1864 of Vengalam Kilaku Village, Vepanthattai Taluk, Perambalur District.

For Petitioners : Mr.G.Arul Murugan

For Respondents : Ms.M.Prabhavathi,
Addl. Public Prosecutor

O R D E R

This petition has been filed to direct the respondents herein not to harass the petitioners at the instance of any complaint in respect of the lands purchased by them measuring an extent of 6.55 $\frac{3}{4}$ acres along with Stone crusher plant and

machineries, covered under Patta No.1826 and 1864 of Vengalam Kilaku Village, Vepanthattai Taluk, Perambalur District.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondents and perused the materials placed on record.

3. When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that on the complaint given by one Kandhasamy, a regular FIR has been registered in Crime No.164 of 2018 on 26.08.2018, for the offences under Sections 420, 506(1) IPC and Sections 3 and 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

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 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 CrI.O.P. [MD] No.1727 of 2016 decided on 01.02.2016.

Hence, this petition is dismissed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

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To

1. The Additional Deputy Superintendent of Police,
Perambalur Taluk,
Perambalur District.
2. The Deputy Superintendent of Police,
Perambalur Taluk,
Perambalur District.

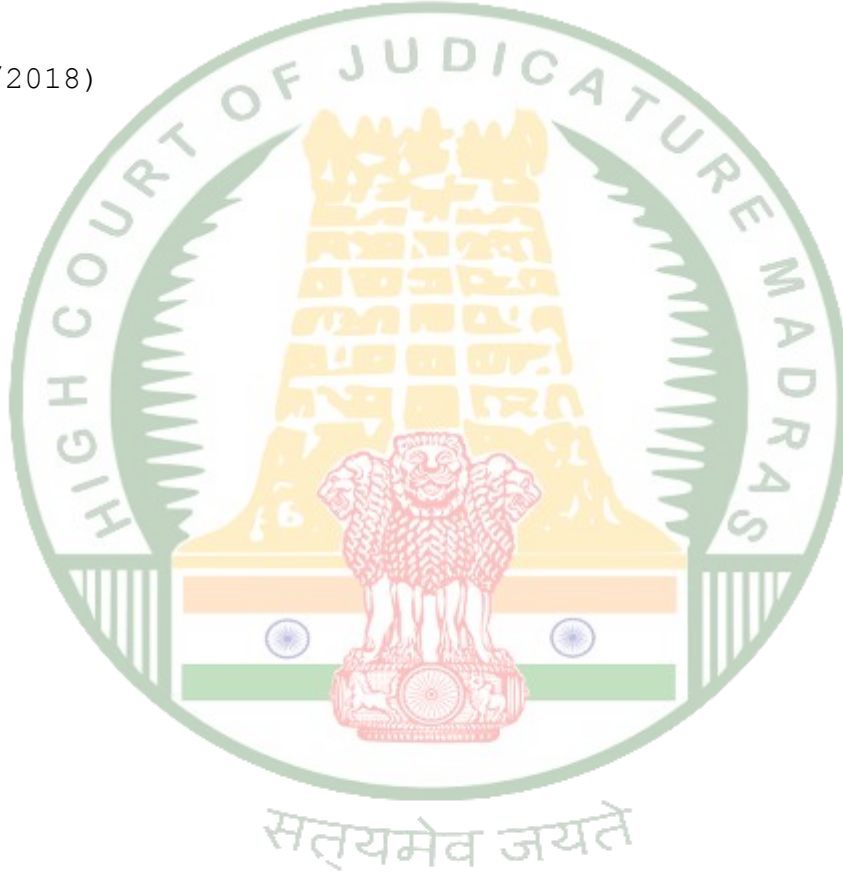
3. The Inspector of Police,
Arumbavur Police Station,
Veppanthattai Taluk,
Perambalur District.

4. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.G.Arul Murugan, Advocate, S.R.No.60021

CrI.O.P.No.20587 of 2018

GSP(12/09/2018)



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