

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.21759 of 2018

A.Venkatesan

...Petitioner

Vs.

1.State Rep by its,
The Superintendent of Police,
Vellore District.

2.State Rep by its
The Deputy Superintendent of Police,
Arakkonam Circle,
Vellore District.

3.State Rep by its
The Inspector of Police,
Nemili Police Station,
Vellore District.

...Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 3rd respondent police not to harass the petitioner and his family members.

For Petitioner : Mr.D.Dayalan
For Respondents : Mr.C.Raghavan,
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the 3rd respondent police not to harass the petitioner and his family members under the guise of enquiry.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents and perused the materials placed on record.

3.When the matter is taken up for hearing, the learned Government Advocate (Crl. Side) submitted that on the complaint lodged by one Muthulakshmi, a regular case in Crime No.261 of 2018 under Sections 294 (B), 506 part 1 read with 4 of the Harassment Act is pending against the petitioner on the file of the Nemili 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.

gsa

Sd/-
Deputy Registrar

// True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Vellore District.
- 2.The Deputy Superintendent of Police,
Arakkonam Circle,
Vellore District.
- 3.The Inspector of Police,
Nemili Police Station,
Vellore District
- 4.The Public Prosecutor,
High Court, Madras.

KR/15/10/18

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