

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2018

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THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

CRL.OP.No.20703 OF 2018

Eswara Sai Reju @ Eswar

... Petitioner

Vs

The Inspector of Police (Crime),
R-4, Soundarapandianar Angadi Police Station
T.Nagar,
Chennai-600 017.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., seeking a direction to the respondent police not to harass the petitioner in Complaint in CSR No.167/2018 on the file of the respondent police.

For Petitioner : Mr.M.Shreedhar

For Respondent : Mr.C.Raghavan, GA

ORDER

This Criminal Original Petition has been filed seeking a direction respondent police not to harass the petitioner in Complaint in CSR No.167/2018.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) 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 on the complaint given by one Ramesh Babu, a case in Crime No.186 of 2018 has been registered under Section 420 against the petitioner.

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 criteria. 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/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police (Crime),
R-4, Soundarapandianar Angadi Police Station
T.Nagar,
Chennai-600 017.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Shreedhar, Advocate, S.R.No.58267

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GSP(11/09/2018)

सत्यमेव जयते

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