

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.11909 of 2018

1.R.Palanisamy
2.P.Mani
3.M.Samalatha

... Petitioners

Vs

V.Anbu,
Assistant Commissioner of Police,
Law and Order [South],
Salem City.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent not to harass the petitioners.

For Petitioners : Mr.E.P.Senniyangiri

For Respondent : Ms.Kritika Kamal.P
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to direct the respondent not to harass the petitioners.

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

3.When the matter is taken up for hearing, the learned Government Advocate (Crl. Side) submitted that a regular case in Crime No.265 of 2018 is pending against the petitioner on the file of the Annadanapatty 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 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/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Assistant Commissioner of Police,
Law and Order [South],
Salem City.

2.The Public Prosecutor,
High Court, Madras.

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