

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.12560 of 2018

M.Jahir Husain

.. Petitioner

Vs

State by,

The Superintendent of Police,

Thiruvarur,

Thiruvarur District.

.. Respondent

Prayer:Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent police not to harass the petitioner in the name of enquiry and to pass such or other as this Court may deem fit and necessary in the circumstances of the case.

For Petitioner : Mr.R.Prabu

For Respondent : Ms.P.Kritika Kamal

Govt. Advocate [Crl. Side]

O R D E R

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner in the name of enquiry.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3.When the matter was taken up for hearing, learned Government Advocate [Crl. Side] submitted that on the complaint given by one Senthil Kumar, a regular FIR has been registered against this petitioner in Crime No.109 of 2018.

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 III)

//True Copy//

Sub Assistant Registrar

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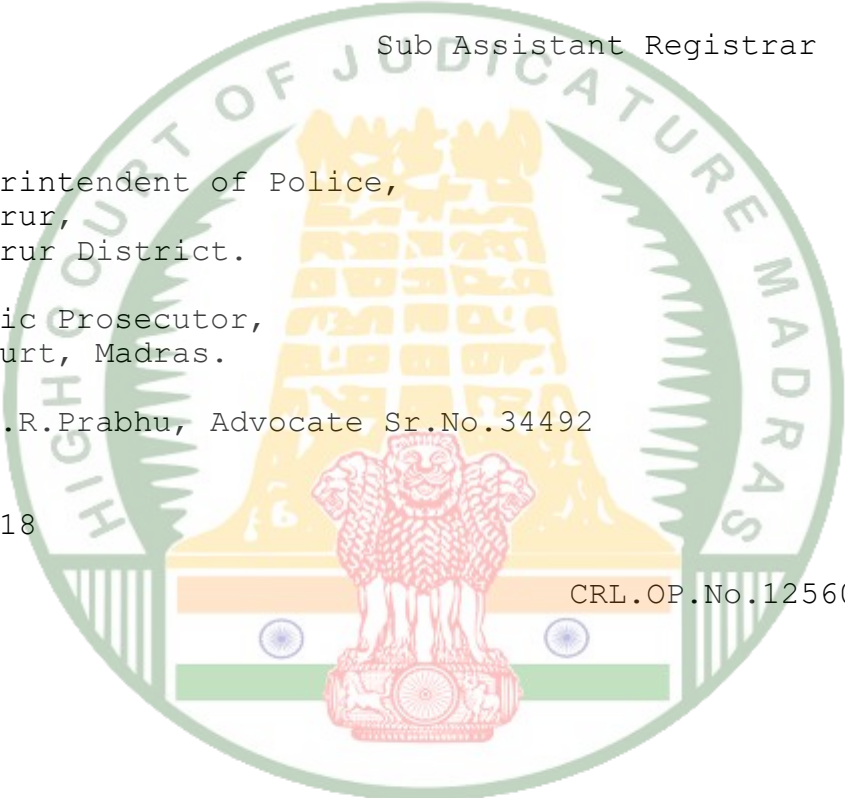
1.The Superintendent of Police,
Thiruvavarur,
Thiruvavarur District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Prabhu, Advocate Sr.No.34492

MR(CO)
sm:18.6.2018

CRL.OP.No.12560 of 2018



सत्यमेव जयते

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