

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.15625 OF 2018

Raja @ Mechanic Raja

... Petitioner

Vs

State rep. by

1. The Commissioner of Police
Greater Chennai
Chennai-7.

2. The Inspector of Police
Chromepet Police Station
Chennai.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C.,
seeking a direction to the respondents not to harass the petitioner and his
family members without due process of law.

For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mrs.Kritika Kamal.P
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to
the respondents not to harass the petitioner and his family members.

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 a case in Crime No.1089 of 2017 was registered for the offence under Section 110 Cr.P.C.

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.

28.06.2018

Speaking / Non-speaking order

Internet : Yes / No

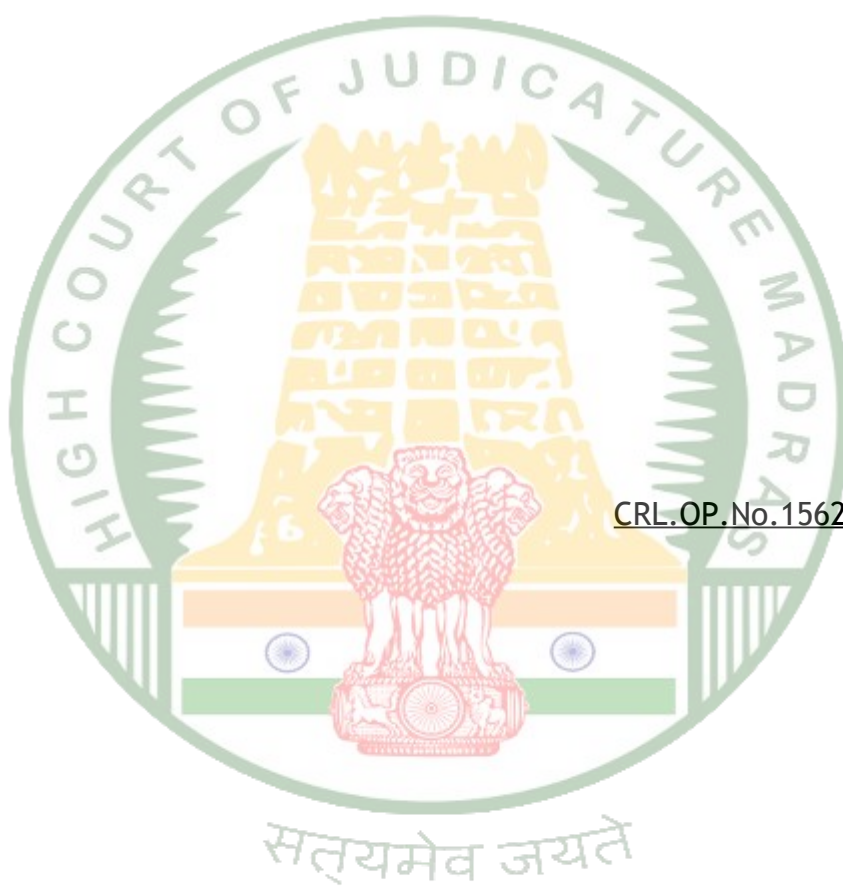
Index : Yes / No

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To

1. The Commissioner of Police
Greater Chennai, Chennai-7.
2. The Inspector of Police
Chromepet Police Station
Chennai.
3. The Public Prosecutor,
High Court, Madras.

P.N.PRAKASH, J.



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