

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.16486 of 2018

G.Prakash

... Petitioner

Vs

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

2. The Inspector of Police,
S-6, Selaiyur Police Station,
Chennai.

.... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondents to not to harass the petitioner and his family members without due process of law to secure the ends of Justice.

For Petitioner :Mr.S.Rajanikanth

For Respondents :Ms.Kritika Kamal
Govt. Advocate [Crl. Side]

O R D E R

This petition has been filed to direct the respondents not to harass the petitioner.

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

3.Today, Mr.P.Udayakumar, HC 36963, S-15, Selaiyur Police Station, Chennai is present before this Court. On instructions, the learned Government Advocate (Crl. Side) submitted that two FIR in Crime No.1627 of 2017 under Section 379 IPC and Crime No.113 of 2018 under Section 109 Cr.P.C. are pending 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/-
Assistant Registrar(CCC)

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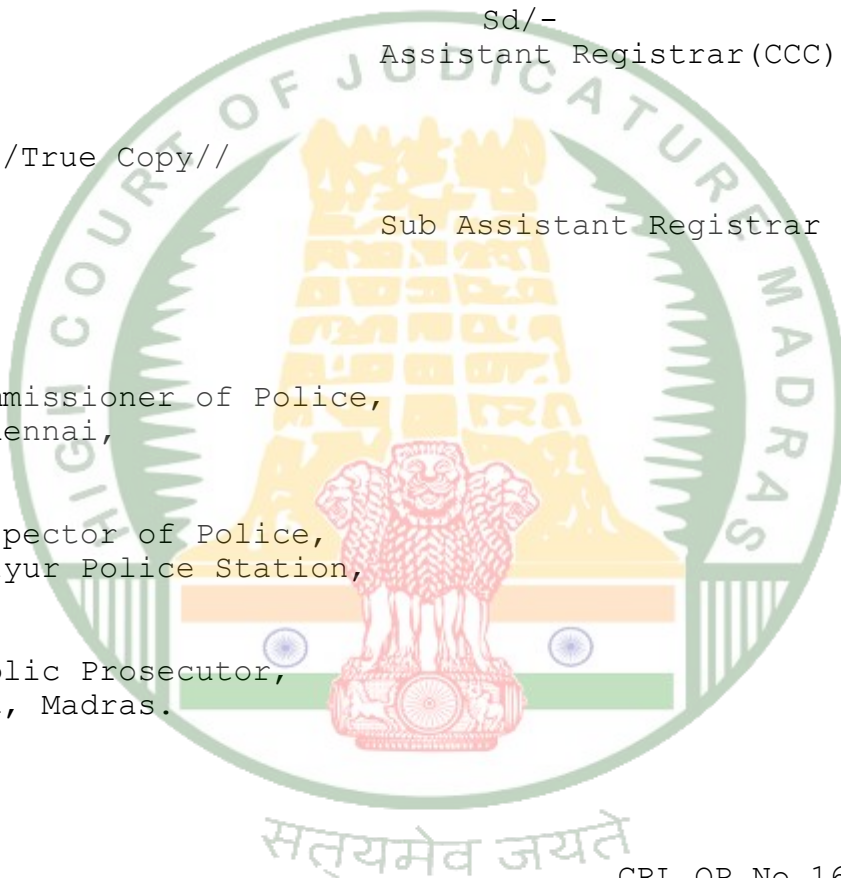
Sub Assistant Registrar

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To

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

2. The Inspector of Police,
S-6, Selaiyur Police Station,
Chennai.

3. The Public Prosecutor,
High Court, Madras.



CRL.OP.No.16486 of 2018

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