

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.17032 of 2018

A.Nainar Kani

... Petitioner

Vs

State rep. by
The Inspector of Police,
B-2 Esplanade Police Station,
Chennai-104.

... Respondent

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

For Petitioner : Mr.Y.Mohamed Ghouse
For Respondent : Mr.C.Raghavan, GA

O R D E R

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

2.Heard the learned counsel for the petitioner and the
learned Government Advocate appearing for the respondent and
perused the materials placed on record.

3.When the matter was taken up for hearing, the learned
Government Advocate submitted that this petitioner is an accused
in Crime No.226 of 2018 on the file of the respondent police.

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 CrI.O.P.[MD] No.1727 of 2016 decided on 01.02.2016.

Hence, this petition is dismissed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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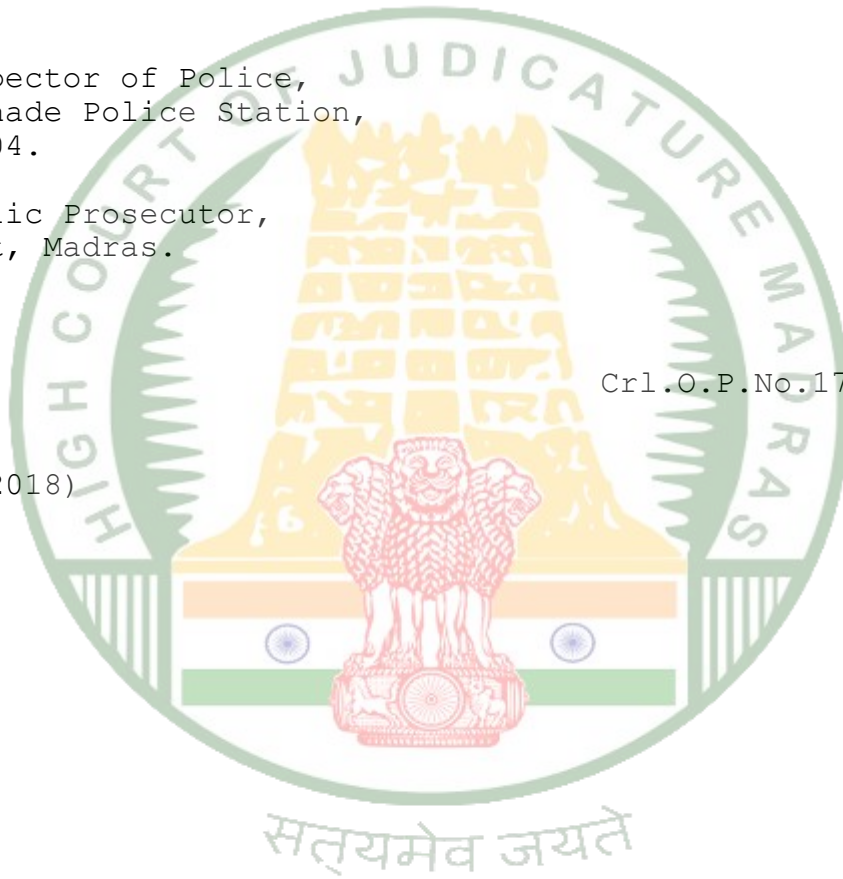
To

1. The Inspector of Police,
B-2 Esplanade Police Station,
Chennai-104.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.17032 of 2018

VGII (CO)
SP(13/07/2018)



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