

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.18390 OF 2018

J.Sundar ... Petitioner

Vs

State Represented by
The Inspector of Police
Saravanapatty Police Station
Coimbatore, Coimbatore District. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., seeking a direction to the respondent police not to harass the petitioner.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.C.Iyyappa Raj
Additional Government Pleader

O R D E R

This Criminal Original Petition has been filed seeking a direction to the respondent police not to harass the petitioner.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the materials placed on record.

3. When the matter is taken up for hearing, the learned Additional Public Prosecutor submitted that on the complaint given by one Nazir, a regular FIR in Crime No.933 of 2018 for the offences under Sections 294-B, 506(ii), 465, 468 and 511 IPC has been registered against Sundar and others.

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)

//True Copy//

Sub Assistant Registrar

mk

To

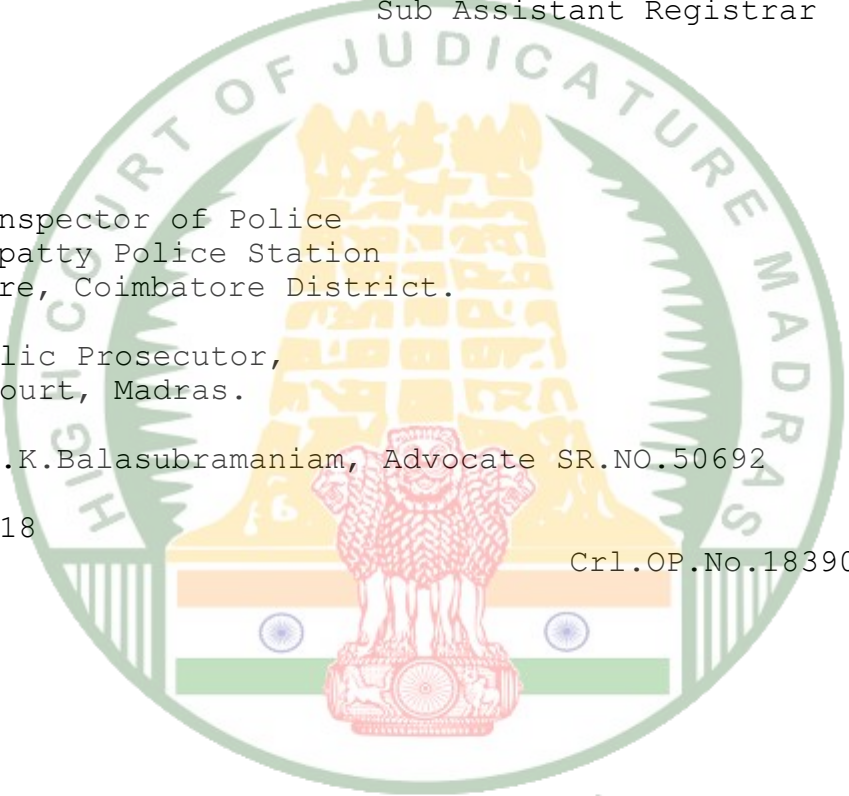
1. The Inspector of Police
Saravanapatty Police Station
Coimbatore, Coimbatore District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Balasubramaniam, Advocate SR.NO.50692

sm:10.8.2018

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