

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.19072 of 2018

Kesavan

.. Petitioner

Vs

State rep. by

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

2.The Inspector of Police,
Kodavasal Police Station,
Thiruvavarur District.

Crime No.173/2018

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to direct the respondent herein not to harass the
petitioner in any manner except by the due process of law
pursuant to the representation dated 25.07.2018.

For Petitioner : Ms.L.Srileka
For Respondents : Mr.C.Raghavan, GA

O R D E R

This Criminal Original Petition has been filed to direct the
respondents not to harass the petitioner under the guise of
enquiry.

2.Heard the learned counsel appearing for the petitioner and
the learned Government Advocate appearing for the respondents.

3.When the matter was taken up for hearing, the learned
Government Advocate submitted that a regular FIR has been
registered in Crime No.173 of 2018 against the petitioner on the
file of the 2nd respondent.

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 criterion. 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(CO)

//True Copy//

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.

3.The Public Prosecutor,
High Court, Madras.

CRL.OP.No.19072 of 2018

GSP(21/08/2018)

सत्यमेव जयते

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