

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.19150 OF 2018

1. Thenmozhi
2. S.Sankar

... Petitioners

Vs

1. The Assistant Commissioner of Police,
Madhavaram Police Station,
Chennai.
2. The Inspector of Police,
M-1, Madhavaram 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 petitioners except due process of law.

For Petitioner : Mr.K.Thenrajan
For Respondents : Mr.C.Raghavan
Government Advocate

O R D E R

This Criminal Original Petition has been filed seeking a direction to the respondents not to harass the petitioners except due process of law.

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 submitted that on the complaint given by one James, a case in Crime No.453 of 2018 has been registered on 05.08.2018 against the petitioners herein for the offence under Sections 447, 120(B), 465, 468, 471, 420 and 506(ii) IPC, on the file of Madhavaram Police Station.

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(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Assistant Commissioner of Police,
Madhavaram Police Station,
Chennai.
2. The Inspector of Police,
M-1, Madhavaram Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

CRL.OP.No.19150 OF 2018

VSN(CO)
TR(28/08/2018)

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