

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.19177 OF 2018

1.L.Subash Sankla
2.S.Mahesh Kumar

... Petitioner

Vs

1. The Commissioner of Police,
Coimbatore.

2. The Inspector of Police,
District Crime Branch,
Coimbatore City.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., seeking to direct the 2nd respondent not to harass the petitioners.

For Petitioner : Mr.CN.Premalatha

For Respondents : Mrs.M.Prabhavathi, APP

O R D E R

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

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents 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 Sabarinathan, case in Crime No.38 of 2018 has been registered on 4.8.2018 under Sections 409 and 420 IPC against the petitioners.

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 Commissioner of Police,
Coimbatore.
2. The Inspector of Police,
District Crime Branch,
Coimbatore City.
3. The Public Prosecutor,
High Court, Madras.

CRL.OP.No.19177 OF 2018

srg 30/08/2018

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