

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.19371 of 2018

Kumaravel

.. Petitioner

Vs

The State by
Inspector of Police,
Panruti Police Station,
Cuddalore District.

.. Respondent

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

For Petitioner : Mr.R.Thamaraiselvan
For Respondent : Ms.M.Prabhavathi, APP

O R D E R

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

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3.When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that a regular case in Crime No.270 of 2018 is pending against the petitioner on the file of the respondent 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 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.

gya

- Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To
1.Inspector of Police,
Panruti Police Station,
Cuddalore District.

2.The Public Prosecutor,
High Court, Madras.

+1 C.C. To MR.R.TAMARAISELVAN Advocate SR.NO. 55158

Crl.O.P.No.19371 of 2018

GJ II (C0)
ASK(24/08/2018)



WEB COPY