

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.19730 OF 2018

Malarvizhi

... Petitioner

Vs

The Inspector of Police,
S-5, Pallavaram Police Station (Crime),
Chennai-600 043.

... Respondent

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

For Petitioner : Mr.C.D.Sugumar

For Respondent : 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 in any manner.

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 G.R.Ganapathy, a case in Crime No.483 of 2018 has been registered on 05.07.2018 under Sections 406 and 420 IPC against the petitioner.

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 CrI.O.P.[MD] No.1727 of 2016 decided on 01.02.2016.

Hence, this petition is dismissed.

Sd/-
Assistant Registrar (CS-IX)

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Sub Assistant Registrar

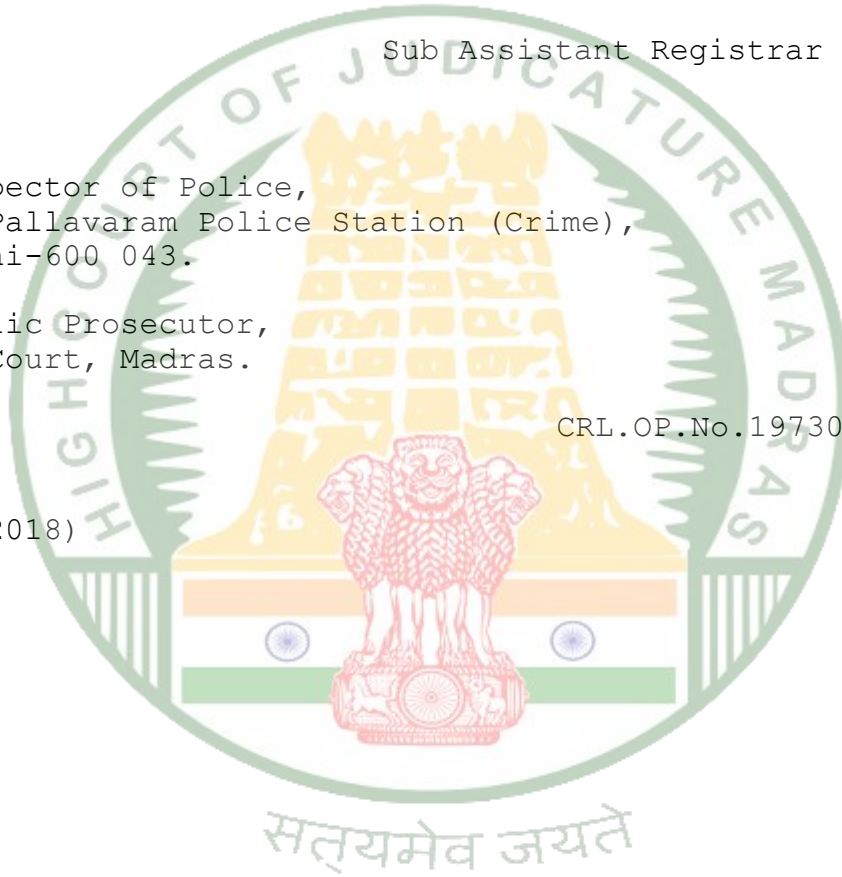
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To

1.The Inspector of Police,
S-5, Pallavaram Police Station (Crime),
Chennai-600 043.

2.The Public Prosecutor,
High Court, Madras.

CRL.OP.No.19730 OF 2018

(CS-IX)
EU(07/09/2018)



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