

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.23170 of 2018

S.A.Ravikumar

... Petitioner/Petitioner

Vs

1.The Commissioner of Police,
Tiruppur District,
Tiruppur.

2.The State rep by its,
The Inspector of Police,
Avinashipalayam Police Station,
Tirupur District.

3.R.Govindasamy

.... Respondents/Respondents

Criminal Original Petition filed under Section 482 of
Cr.P.C., praying to direct the respondents or his men or agents
not to harass this petitioner without due process of law.

For Petitioner : Mr.D.Maomax

For R1 and R2 : Mr.C.Raghavan, GA

O R D E R

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

2.Heard the learned counsel for the petitioners and the
learned Government Advocate for the respondents 1 and 2 and
perused the materials placed on record.

3.When the matter is taken up for hearing, the learned
Government Advocate submitted that a regular case in Crime
No.208 of 2018 is pending against the petitioner on the file of
the respondent for offences under Section 447, 294(b), 325, 323
and 506(2) of IPC.

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 CrI.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,
Tiruppur District, Tiruppur.

2.The Inspector of Police,
Avinashipalayam Police Station, Tirupur District.

3.The Public Prosecutor, High Court, Madras.

+1cc to Mr.D.Maumarx, Advocate SR.No.68927

GMV (17/10/2018)

CrI.O.P.No.23170 of 2018

सत्यमेव जयते

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