

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.23082 of 2018

P.Balakrishnan

.. Petitioner

Vs

State rep. by  
The Inspector of Police,  
K-6 T.P.Chattiram Police Station,  
Chennai.

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent Police not to harass the petitioner in Crime No.Not known of 2018 on the file of the respondent Police.

For Petitioners : Mr.M.K.Bhoopathy Rajan

For Respondent : Mr.C.Raghavan, GA

O R D E R

This petition has been filed to direct the respondent not to harass the petitioners.

2.Heard the learned counsel for the petitioner; the learned Government Advocate 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 lodged by one Subash, a regular case in Crime No.480 of 2018 is pending against the petitioner on the file of respondent.

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(CO)

//True Copy//

Sub Assistant Registrar

Gya

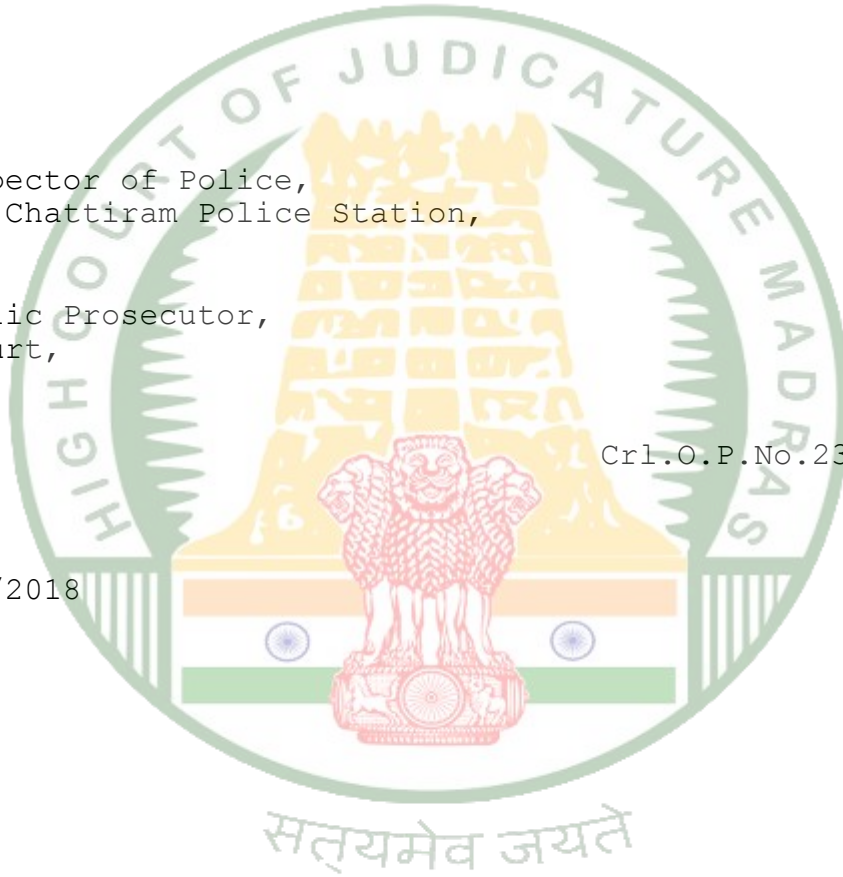
To

- 1.The Inspector of Police,  
K-6 T.P.Chattiram Police Station,  
Chennai.
- 2.The Public Prosecutor,  
High Court,  
Madras.

CrI.O.P.No.23082 of 2018

KAN(CO)

rrs 12/11/2018



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