

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.22914 of 2018

Rajalakshmi ... Petitioners

Vs

1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-07.

2.The Inspector of Police (Crime),
R-8 Vadapalani Police Station,
Chennai. ... Respondents

Criminal Original Petition filed under Section 482 of
Cr.P.C., praying to direct the 2nd respondent to not to harass
the petitioner except due process of law.

For Petitioners : Mr.K.Thenrajan

For Respondent : Mr.C.Raghavan, GA

O R D E R

This petition has been filed to direct the 2nd respondent
not to harass the petitioner.

2.Heard the learned counsel for the petitioner and the
learned Government Advocate.

3.When the matter is taken up for hearing, the learned
Government Advocate submitted that on the complaint lodged by
one Vijayalakshmi, a regular case in Crime No.506 of 2018 is
pending against the petitioner on the file of the 2nd respondent
for offences under Section 406, 420 and 506(1) 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 Crl.O.P.[MD] No.1727 of 2016 decided on 01.02.2016.

Hence, this petition is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner of Police,
Greater Chennai, Vepery, Chennai-07.
- 2.The Inspector of Police (Crime),
R-8 Vadapalani Police Station, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.22914 of 2018

CSL/25.10.2018

सत्यमेव जयते

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