

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.23249 of 2018

1.R.Ramprakash
2.R.Varalakshmi

... Petitioners

Vs

State of Tamil Nadu rep. by
Assistant Commissioner of Police,
City Crime Branch, Coimbatore. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent or his subordinates herein not to harass the petitioners in connection with the false complaints given by the aforesaid four persons, viz. Mrs. Geetha, her husband Raghuraman, Dwarakanathan and Ravi Varma before the respondents.

For Petitioners : Mr.K.Arangeswaran
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 petitioners and the learned Government Advocate for the respondent 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.42 of 2018 is pending against the petitioner on the file of the respondent for offences under Sections 406 and 420 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(CS)
//True Copy//

Sub Assistant Registrar

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To

1.Assistant Commissioner of Police,
City Crime Branch, Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.R.Kuyilan, Advocate SR.No. 69357

ASK(26/10/2018)

Crl.O.P.No.23249 of 2018



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