

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.23150 of 2018

Mohammed Suhaib

... Petitioner

Vs

The State rep. by its
Inspector of Police,
Vaniyambadi,
Vellore District.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent not to harass the petitioner in the subject matter of complaint given by Ameenu Rahman.

For Petitioners : Mr.K.Mohanamurali

For Respondent : Mr.C.Raghavan, GA (Crl.Side)

O R D E R

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

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

3.When the matter is taken up for hearing, the learned Government Advocate (Crl. Side) submitted that on the complaint given by one Ameenul Rehman, a regular case in Crime No.308 of 2018 is pending against the petitioner on the file of the respondent for offences under Section 147, 294(b), 323 and 506(i) 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.

-s/d-
Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

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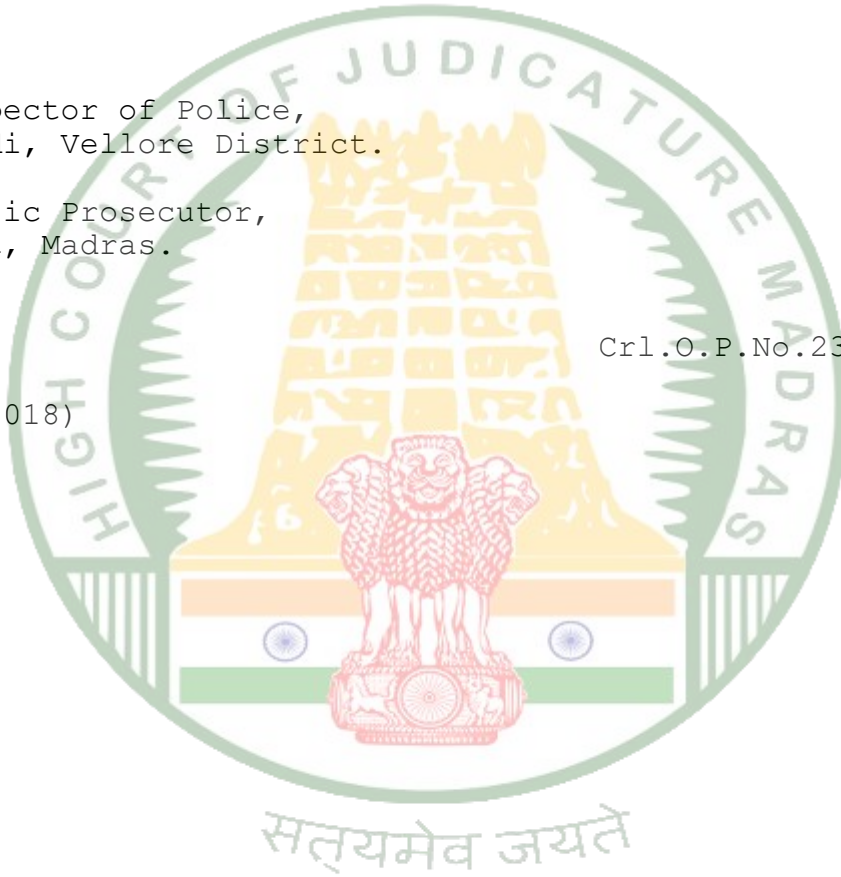
To

1.The Inspector of Police,
Vaniyambadi, Vellore District.

2.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.23150 of 2018

SP(08/11/2018)



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