

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.23707 of 2018

S.Vairavanathan

.. Petitioner

Vs

1.The Deputy Superintendent of Police,
Muthupettai,
Thiruthuraipoondi Taluk,
Thiruvarur District.

2.The Inspector of Police,
Muthupettai Police Station,
Thiruthuraipoondi Taluk,
Thiruvarur District.

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondents not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.V.Kasinatha Bharathi

For Respondents : 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 petitioner and 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 three FIRs are pending against this petitioner in Crime Nos.77 of 2018, 106 of 2018 and 127 of 2018 on the file of the 2nd respondent for offences under Sections 21(1) of Mines and Minerals Act and 379 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 IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Superintendent of Police,
Muthupettai, Thiruthuraipoondi Taluk,
Thiruvarur District.

2.The Inspector of Police,
Muthupettai Police Station,
Thiruthuraipoondi Taluk, Thiruvarur District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Kasinatha Bharathi, Advocate, S.R.No.69274

CrI.O.P.No.23707 of 2018

PPA(CO)

rrs 24/10/2018

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