

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.25138 of 2018

Selvaraj

... Petitioner

Vs

1.State Rep by its,
The Superintendent of Police,
Villupuram,
Villupuram District.

2.State Rep by
The Inspector of Police,
All Women Police Station,
Avalurpettai AWPS, Avalurpettai,
Villupuram District. ... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 2nd respondent police not to harass the petitioner on the basis of the complaint lodged by the de fact complainant namely Amirtham, wife of Sakthivel.

For Petitioner : Mr.V.R.Appaswamee

For Respondents : Mr.C.Raghavan,
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to direct the 2nd respondent police not to harass the petitioner on the basis of the complaint lodged by the de fact complainant namely Amirtham, wife of Sakthivel under the guise of enquiry.

2.Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) for the respondents and perused the materials placed on record.

3.When the matter is taken up for hearing, the learned Government Advocate (Crl. Side) appearing for the respondents submitted that on the complaint lodged by one Amirtham, a

regular FIR has been registered in Crime No.302 of 2018 under Sections 294(b), 417, 420 and 506 part (1) I.P.C r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

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 Superintendent of Police,
The State of Tamil Nadu,
Villupuram,
Villupuram District.
- 2.The Inspector of Police,
The State of Tamil Nadu,
All Women Police Station,
Avalurpettai AWPS, Avalurpettai,
Villupuram District.
- 3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.25138 of 2018

kk[co]
srg 28/11/2018