

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.12795 of 2019

Raja @ Aandiyarpalayam Raja

.. Petitioner

-vs-

1.State Rep. By  
The Deputy Superintendent of Police,  
Prohibition Enforcement Wing,  
Villupuram.

2.The Inspector of Police,  
PEW Villupuram Police Station,  
Villupuram District

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents herein not to harass the petitioner.

For Petitioner : Mr.A.Murugavel

For Respondents : Mr.M.Mohamed Riyaz  
Addl. Public Prosecutor

ORDER

This petition has been filed seeking for a direction to the respondent Police not to harass the petitioner.

2.The Additional Public Prosecutor on instructions, submitted that there are totally nine cases pending before the respondent Police with various crime numbers and the latest one is Crime No.331 of 2019 which was registered on 26.03.2019.

3. 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.

s/d-  
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

kal  
To

1.The Deputy Superintendent of Police,  
Prohibition Enforcement Wing,  
Villupuram.

2.The Inspector of Police,  
PEW Villupuram Police Station,  
Villupuram District

3.The Public Prosecutor,  
High Court of Madras,  
Chennai.

+1 CC to Mr.V.Vargees Amal Raja, Advocate sr 52649.

Crl.O.P.No.12795 of 2019

SP(03/07/2019)

सत्यमेव जयते

WEB COPY