



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.5420 of 2019

R.Giri

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Theni.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Periyakulam, Theni District.

3.The Sub-Inspector of Police,
Veerapandi Police Station,
Theni District.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the third respondent herein not to harass the petitioner in the name of enquiry.

For Petitioner : Mr.K.Manikandan

For Respondents : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the third respondent herein not to harass the petitioner in the name of enquiry.

2. Heard learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondents.

3. The learned Government Advocate (Criminal side) appearing for the respondent police submits that the proceedings under Section 107 Cr.P.C., is pending against the petitioner before the second respondent. He would further submit that for the purpose of security for keeping peace in the locality under Section 107 of Cr.P.C., the Executive Magistrate can call the accused for execution of bond.



4. Under such circumstance, once a regular crime case 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. 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. However, the Executive Magistrate can call the accused for execution of bond for the purpose of keeping peace in the locality under Section 107 of Cr.P.C.

5. Hence, this petition is dismissed.

Sd/-

Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Theni.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Periyakulam, Theni District.
- 3.The Sub-Inspector of Police,
Veerapandi Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.MANIKANDAN, Advocate (SR-60374[F]
dated 11/04/2019)

Crl.O.P.(MD)No.5420 of 2019
10.04.2019

CS: 14/05/2019/2P/6C