



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.07.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

Crl.O.P.[MD]No.6961 of 2020

WEB COPY

1.A.Mayilvahanan

2.A.Umaparvathi

3.S.Sivasunder

... Petitioners/Accused Nos. 1 to 3

Vs.

The State Rep. by
The Inspector of Police,
City Crime Branch,
Tirunelveli City.
[Crime No.20 of 2020]

... Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, praying to direct the respondent police not to harass the petitioners pursuant to the registration of F.I.R. in Crime No.20 of 2020 till the disposal of other Writ Petition in W.P.(MD)No.5513 of 2020 and quash petition in Crl.O.P.(MD)No.4617 of 2020.

For Petitioners : Mr.S.Natarajan

For Respondent : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

Heard the learned Counsel for the petitioners and the learned Additional Public Prosecutor for the respondent police.

2.This petition has been filed seeking direction to the respondent not to harass the petitioners in guise of enquiry.

3.The learned counsel appearing for the petitioners would submit that the respondent police harassed the petitioners under the guise of enquiry.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that on the complaint given by the defacto complainant, a case has been registered in Crime No.20 of 2020 for the offences under Sections 406, 418 and 420 I.P.C. against the petitioners and as of now, investigation is pending.

5.In the said circumstances, once a regular First Information Report has been registered, the question of 'not to harass' will not arise. In this regard, while at the time of disposing the case of **Dorand and others Vs. The Superintendent of Police, Nagercoil, Kanyakumari District and another [Crl.O.P. (MD)No.1727 of 2016, dated 01.02.2016]**, this Court has held as follows:-



''5. 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 criteria.''

Therefore, if any direction is issued at this stage in the present case, it will amount to interfere with the investigation conducted by the respondent police. Hence, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
City Crime Branch,
Tirunelveli City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

Crl.O.P.[MD]No.6961 of 2020
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KK(16.07.2020) 2P 3C