



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.07.2020**

CORAM:

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

Crl.O.P.[MD]No.7053 of 2020

V.Mahendran

... Petitioner

Vs.

1.The Superintendent of Police,
Thirunelveli District.

2.The Inspector of Police,
Puliyangudi Police Station,
Thirunelveli District.

3.Kasiviswanathan

4.Dharmaraj

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondent No.1 to give proper instruction to the respondent No.2 to 4 herein to not to harass the petitioner on the guise of the enquiry.

For Petitioner

: Mr.M.Ramesh

For R1 and R2

: Mr.S.Chandrasekar

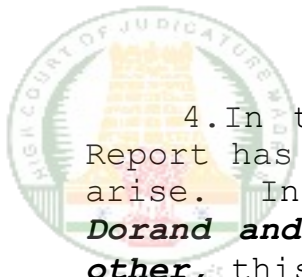
Additional Public Prosecutor

O R D E R

This petition has been filed seeking a direction to the first respondent to give proper instruction to the second respondent not to harass the petitioner under the guise of enquiry.

2.Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police and perused the materials placed on record.

3.When the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that on receipt of the complaint, the respondent police conducted the investigation and registered a case in Crime No.532 of 2020 under Section 379 of I.P.C. In the said case, the petitioner herein was arrayed as first accused.



4. 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 and other**, this Court has held as follows:-

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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.

5. Hence, if any direction is issued at this stage, it will amount to interfere with the investigation conducted by the respondent police.

6. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (Crl.Side)

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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 Superintendent of Police,
Thirunelveli District.
2. The Inspector of Police,
Puliyangudi Police Station,
Thirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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