

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No. 28379 of 2017
and
CrI.M.P.Nos.16130 of 2017 & 2678 of 2021

1. V. Nandhakishore,
S/o. Venkataraman
 2. V.J.Venkataraman,
S/o. Jayaraman
- ...Petitioners/Accused Nos.1 &2

Versus

1. State represented by
Inspector of Police,
W-27, All Women Police Station,
Vadapalani, Chennai.
 2. Yashila,
D/o. Chinnasamy
- ...1st Respondent/Complainant
- ...2nd Respondent/Defacto Complainant

PRAYER :Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records on the file of first respondent in Crime No.6 of 2017 and to quash the same.

For Petitioner : Mr.R.Saravanakumar

For Respondent : Mr.R.Kishore Kumar,
Govt. Advocate (CrI. Side) for R1

Mr.C.P.Sivamohan for R2

O R D E R

This Criminal Original Petition has been filed to quash the F.I.R. in Crime No. 6 of 2017 on the file of 1st respondent police for the offence under Sec.498-A I.P.C. against the petitioner.

2. The only ground on which the proceedings initiated for the offence under Sec.498-A I.P.C. sought to be quashed is that the F.I.R. is registered contrary to the direction issued by Apex Court in Rajesh Sharma and others vs. State of U.P. reported in 2017 SCC Online 821. It is relevant to note that in a subsequent judgement in the case of Manav Adhikar and another vs. Union of India, reported in 2018 (10) SCC 443, the Apex Court has modified the direction issued in Rajesh Sharma's case and held that the direction contained in para 19 (i) of Rajesh Sharma's case as to the constitution of Family Welfare Committee is not in accordance with statutory framework and therefore, the question of referring the complaint to the Family Welfare Committee would not arise.

3. In such view of the modification, the F.I.R. cannot be quashed at this stage. It is for the Investigating Officer to investigate and file a report in accordance with law. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rpp

To

1. Inspector of Police,
W-27, All Women Police Station,
Vadapalani, Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Saravanakumar, Advocate, S.R.No.267

+1cc to Mr.C.P.Sivamohan, Advocate, S.R.No.203

CrI. O.P. No. 28379 of 2017
and
CrI.M.P.Nos.16130 of 2017 &
2678 of 2021

CA(CO)
RGA(27/01/2022)