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Crl.O.P.No.29212 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2025

CORAM:

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.29212 of 2025

and

Crl.M.P.No.19823 of 2025

Sarathy

... Petitioner

Vs.

1.The State represented by its
Inspector of Police
Kilpennathur Police Station
Tiruvannamalai District
(Crime No.179 of 2025)

2. M.Elumalai

... Respondents

PRAYER: Criminal Original Petitions filed under Section 528 of B.N.S.S. to call for the records relating to FIR in Crime No.179 of 2025 on the file of respondent police and quash the same in so far it relates to the petitioner herein.

For Petitioner : Mr.P.V.Balasubramanian, Senior Advocate
Assisted by Mr.A.Rajavel

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)



ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.179 of 2025 for the offences under Sections 194(3) of BNSS @ to Sections 296(b), 85 and 108 of BNS and Sections 4B(2) of the TNPHW Act, @ 296(b), 85, 108 and 49 of BNS and Section 4B(2) of the TNPHW Act, on the file of first respondent police insofar as it relates to the petitioner herein.

2. The case of the prosecution is that the husband and in-laws of the deceased, used to harass the deceased/daughter of the de facto complainant, since the first child she delivered was female. Subsequently, the deceased got pregnant once again. Therefore, the accused took her to a scanning center and illegally determined the sex of the foetus as female and hence, they further harassed her and attempted to abort the foetus, due to which, the daughter of the de facto complainant committed suicide along with her first female child by jumping into a well. The allegation against the petitioner is that, he is the one who informed the victim's family members to approach the scanning center to illegally determine the sex of the foetus.

3. The learned Senior Advocate appearing for the petitioner would submit that the petitioner's name does not find a place in the FIR and there is no direct allegation of performing or participating in the illegal scanning or sex determination procedure. The implication of the petitioner is purely



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based on inadmissible material and no independent evidence exists to connect him to the alleged offences.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the first respondent police would submit that the petitioner is the neighbour of the deceased. As per the preliminary materials, the petitioner is the person who has guided the other accused to go to the scanning center for doing the illegal scanning to determine the sex of the foetus. He would further submit that the case is at the initial stage of investigation and the RDO enquiry is pending and it would be premature to decide the case at this stage.

5. Heard and perused the materials available on record.

6. As per the materials available as on date, the accused/A1 and A2 have informed that the petitioner is the person who had directed them to the scan center wherein, the illegal determination of sex of the foetus was done. The FIR has been registered only on 24.06.2025 and the RDO enquiry is pending. At this stage, as rightly argued by the learned Government Advocate (Crl. Side), it is premature to decide about the involvement of the petitioner in this case. In ***State Vs. M.Maridoss*** reported in **(2023) 4 SCC 338**, the Hon'ble Supreme Court has held that Court cannot, at a nascent stage, conduct a mini trial and that the FIR cannot be quashed without giving a reasonable time to the Investigating Agency to investigate into the



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allegations in the FIR.

7. Admittedly, in this case, the investigation is at the nascent stage and the report of the RDO is also awaited. Hence, this Court is not inclined to entertain this petition.

8. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

28.10.2025

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

To

1.The Inspector of Police
Kilpennathur Police Station
Tiruvannamalai District

2. The Public Prosecutor
High Court of Madras, Chennai



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A.D.JAGADISH CHANDIRA J.

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