



CRL OP(MD). No.20517 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.20517 of 2025

Chitra,

... Petitioner

Vs.

1. The State of Tamilnadu, Rep.,
By the Inspector of Police,,
Uppiliyapuram Police Station,
Trichy District.
(Crime No.2 of 2023).

2. Sangeetha

... Respondents

PRAYER :-This petition is filed under 528 BNSS, to call for the records
Crime No.2/2023 on the file of Uppiliyapuram Police Station, Trichy
District and quash the same as illegal.

For Petitioner : Mr.N. Mohideen Basha,

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor for R1

: Mr.K.Ganeshamoorthi for R2



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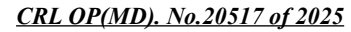
ORDER

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The petition is to quash the impugned FIR, which was originally registered for the offence under Section 174 Cr.P.C., and subsequently altered into Section 304(2) IPC.

2. The gist of the allegation in the impugned FIR is that the petitioner was working as a nurse in a private clinic; that the defacto complainant had brought her 4 ½ years old daughter for treatment stating that she was sick and had cold and cough; and that the petitioner had administered a medicine which caused vomiting to the victim child and the victim child thereafter died on the same day.

3. The learned counsel for the petitioner would submit that the petitioner is innocent; that the *post-mortem* certificate does not suggest that the victim child died only because of the medicine said to have been given by the petitioner; that the *post-mortem* only suggests that the victim child died due to cardiac arrest; and that in any case, the parties have arrived at a compromise and the defacto complainant is not willing to pursue the complaint and therefore, the impugned prosecution may be quashed.



5. In normal circumstances this Court would not have quashed an FIR alleging an offence under Section 304(2) of IPC. However, it is seen that in this case, the FIR was originally registered under Section 174 Cr.P.C., and thereafter, altered into Section 304(2) of IPC. The petitioner was working as a nurse in a clinic. The defacto complainant had gone to the clinic and had sought for medical assistance. The petitioner is said to have given certain medicines to the defacto complainant's daughter. The only allegation in the alteration report is that the petitioner, who was not qualified to give any treatment, had given medicines to the defacto complainant's daughter.



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6. It is not the case of the prosecution that the victim died, due to the act of the petitioner, as the *post-mortem* only reveals that the victim died due to cardiac arrest and there is nothing in the report to suggest that the victim died due to the medicine said to have been given by the petitioner. The viscera report also does not suggest that the victim died due to the medicine said to have been given by the petitioner.

7. Be that as it may, even assuming that the petitioner had given certain medicines, this Court is of the view that unless there is evidence to show that the petitioner knew or intended that the act committed by her is likely to cause death, the petitioner cannot be prosecuted for the offence under Section 304(2) of the IPC. There is no such material to implicate the petitioner.

8. Considering the aforesaid facts and the fact that the defacto complainant herself does not wish to pursue the case, this Court is inclined to quash the impugned FIR and accordingly, quashed.



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9. In the result, this Criminal Original Petition is allowed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
LS/dk

TO

1. The Inspector of Police,,
Uppiliyapuram Police Station,
Trichy District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J.

LS/dk

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