



Crl.O.P.(MD)No.21216 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.21216 of 2025

and

Crl.M.P(MD) No.18169 of 2025

1.R.Vinotha

2.V.Silambarasan

... Petitioners/Accused 1 and 2

Vs.

1.State of Tamilnadu,

Represented by the Inspector of Police,

Panayapatti Police Station,

Pudukottai District,

Crime No.37/2025.

...1st Respondent/Complainant

2.The Village Administrative Officer,

Melapanaiyur,

Thirumayam Taluk,

Pudukottai District.

...2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to FIR in Crime No.37 of 2025 pending on the file of the 1st respondent and quash the same as against the petitioner is concerned.

For Petitioner : Mr.N.Kamesh

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor



Crl.O.P.(MD)No.21216 of 2025

ORDER

This Criminal Original Petition has been filed to quash the First Information Report registered in Crime No.37 of 2025 on the file of the first respondent Police Station for the offence under Section 91 of BNS 2023.

2. The gist of the allegation in the impugned FIR is that the petitioners 1 and 2 were in a love affair and subsequently married each other; that a girl child was born out of the wedlock; that the first petitioner / mother of the child, had buried the child alive that the child was thereafter saved; and that when it was brought to the notice of the Village Assistant Officer, he had lodged a complaint.

3. The learned counsel for the petitioners would submit that the allegations made in the impugned FIR are false; that the first petitioner was not aware of the alleged occurrence; and that the Social Welfare Officer, who had taken custody of the child, was directed to hand over the child to the petitioners by this Court in W.P(MD) No.23927 of 2025, vide order dated 03.09.2025. The petitioners had also undertaken before this Court that they would bring up the child properly and ensure her physical safety and also would produce the child



Crl.O.P.(MD)No.21216 of 2025

before the 3rd respondent therein as and when required. It is further submitted that since the child is now with the petitioners and is being taken care of well, the impugned FIR may be quashed, as prosecuting the petitioners for the aforesaid offences would cause hardship not only to them but also to the child.

4. The learned Additional Public Prosecutor takes notice for both the respondents. He would submit that it is a fact that the petitioners are living together and the child is being brought up by them.

5. It is seen that after the 3rd respondent therein, namely the Social Welfare Officer, took custody of the child, the petitioners have filed a Writ Petition in W.P(MD) No.23927 of 2025 before this Court. This Court had observed as follows:

4.I am of the view that it would be in the interest of the child to be brought up by her biological parents. It is for this reason, I direct the third respondent to hand over custody of the child to the petitioners. The petitioners undertake before this Court that they would bring up the child properly and ensure her physical safety. They would also produce the child before the third respondent as and when required. I also mandate the respondents 2 and 3 to have a general watch over the well-being of the child.



Crl.O.P.(MD)No.21216 of 2025

6. Considering the fact that the petitioners have the custody of the child now and both the petitioners, who are present before this Court, have stated that they would bring up the child properly, this Court is inclined to take a lenient view and quash the impugned FIR as further prosecution of the petitioners is likely to cause hardship not only to the petitioners but also to the child. Hence, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

25.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

Indu/ars

To

- 1.The Inspector of Police,
Panayapatti Police Station,
Pudukottai District.
- 2.The Village Administrative Officer,
Melapanaiyur,
Thirumayam Taluk,
Pudukottai District.

4/6



Crl.O.P.(MD)No.21216 of 2025

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



WEB COPY



Crl.O.P.(MD)No.21216 of 2025

SUNDER MOHAN, J.

Indu/ars

Crl.O.P(MD).No.21216 of 2025

25.11.2025