



Crl.O.P.No.7108 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.7108 of 2026

and

Crl.M.P.Nos.5186 & 5187 of 2026

Viruthambal

... Petitioner

Vs.

1.The State Rep., by
The Inspector of Police,
Ariyalur District.
Crime No. 71 of 2024.

2.Santhiya

... Respondents

Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the S.C.No.21 of 2025 on the file of the Session Judge, Fast Track Mahila Court, Ariyalur and quash the same.

For Petitioner : Mr. D. Lakshmipathy

For Respondents: Mr. Leonard Arul Joseph Selvam,
Additional Public Prosecutor for R1



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in S.C.No.21 of 2025 on the file of the Session Judge, Fast Track Mahila Court, Ariyalur.

2. The petitioner / accused, who is facing trial in S.C.No.21 of 2025 for the offence under Section 103 BNS, has filed the present quash petition.

3. The contention of the petitioner is that her daughter in law, Santhiya, had a love affair with one Krishnakanth prior to her marriage with the petitioner's son, Raja and that there was some misunderstanding in this regard. Hence, the petitioner has been falsely implicated in this case.

3.1. It is further contended that there is no direct eyewitness in this case, and it has been projected as though the petitioner forcibly stuffed mud into the mouth of the baby, Kiruthika, thereby committing murder. The allegation is based solely on assumptions arising out of prior objections relating to Santhiya's relationship with Krishnakanth.



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4. The learned Additional Public Prosecutor appearing for the 1st respondent refuted the contention of the petitioner and submitted that two witnesses had seen the victim in the company of the petitioner, thereby establishing the last seen theory.

4.1. It was further submitted that the baby/victim was playing well, was healthy and had no reason to suddenly die. Subsequently, it was found that the baby's mouth was filled with sand, and she died due to suffocation. The post-mortem doctor also confirmed the same. It is the case of circumstantial evidence and there exists a clear chain of evidence to establish that the petitioner is the cause of the innocent baby's death.

5. The points raised by the learned counsel for the petitioner cannot be adjudicated in a quash petition and can only be decided during the course of trial. In view of the same, this Court is not inclined to entertain the petition.

6. In view of the above, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

23.03.2026

Neutral Citation: Yes/No

AT

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M.NIRMAL KUMAR, J.

AT

To

1.The Session Judge, Fast Track Mahila Court, Ariyalur.

2.The Inspector of Police,
Ariyalur District.

3.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.7108 of 2026 and
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