



CrI.O.P.(MD)No.23808 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **10.02.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

CrI.O.P.(MD)No.23808 of 2025

and

CrI.M.P.(MD)No.20657 of 2025

1.Krishnan

2.Jeyanthi

3.Nithya @ Nithya Sree

... Petitioners

Vs.

The State of Tamil Nadu,

1. The Inspector of Police,

Koodankulam Police Station,

Tirunelveli District.

(Crime No.688 of 2025)

2. Surya Nathan

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records pertaining to the Impugned FIR in Crime No.688/2025 dated 09.11.2025 on the file of the 1st Respondent Police and to Quash the same as illegal so far as the Petitioner is concern.

For Petitioners : Mr.N.Dhilipan Pandian

for Mr.P.Saravanan

For Respondents : Mr.M.Sakthi Kumar (R1)

Government Advocate

Mr.A.Kesavan (R2)



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ORDER

The petitioners seek for quash of the FIR in Crime No.688 of 2025 on the file of the first respondent.

2. The learned counsel appearing for the petitioners submitted that the petitioners are the accused Nos.1 to 3 in Crime No.688 of 2025 registered by the first respondent police for the offences punishable under Sections 329(4), 296(b), 115(2) & 351(2) of BNS, 2023 dated 09.11.2025. He also categorically contended that the third petitioner herein is a mentally retarded person, who is suffering 75% disability of Down syndrome. Under such circumstances, It is quite explicit that the offences will not be clearly made out as against the persons suffering Down Syndrome and sought for indulgence of this Court.

3. The learned counsel appearing for the second respondent submitted that he has no objection for quashment of the offences as against the third petitioner. However, the offenses are clearly made out as against other two petitioners.



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4. The learned Government Advocate appearing for the respondent police submitted that by a plain reading of the FIR would itself make it clear that the offences are clearly made out as against the accused.

5. Heard the learned counsel on either side and carefully perused the materials placed before this Court.

6. On perusal of the records, this Court is of the considered view that the respondent police cannot continue investigation as against the third petitioner, as he is a mentally retarded person, who is suffering 75% disability of Down syndrome. In view of the same, the FIR in Crime No.688 of 2025 is quashed as far as the third petitioner alone is concerned. Accordingly, this criminal original petition stands partly allowed. Consequently, connected miscellaneous petition is closed.

10.02.2026

NCC : Yes / No
Index : Yes / No
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L.VICTORIA GOWRI, J.

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TO:-

1. The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.23808 of 2025

Dated
10.02.2026