



WEB COPY



W.P.No.8396 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8396 of 2026

Lakshmi

... Petitioner

Vs.

1 The Inspector of Police,
AWPS, Sriperumbudur,
Kancheepuram District.

2 Department of Obstetrics and Gynecology,
Government Chengalpattu Medical College,
Chengalpattu – 603 001.

3 The State
Rep by Secretary,
Health Department,
Secretariat,
Chennai – 600 009.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to medically terminate the pregnancy of the petitioner's daughter XXXX in accordance with Section 5 of the Medical Termination of Pregnancy Act, 1971.

(Name of the Victim Girl redacted as XXXX vide order dated 27.02.2026 made in WP.No.8396/2026 by PTAJ)



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For Petitioner : Mr.S.Marimuthu

For Respondents : Mr.V.Meganathan for R1
Government Advocate (Crl. Side)
Mr.K.Tippu Sulthan for R2 and R3
Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the second respondent to medically terminate the pregnancy of the petitioner's daughter XXXX in accordance with Section 5 of the Medical Termination of Pregnancy Act, 1971.

2.The learned counsel appearing for the petitioner submitted that the petitioner's husband died during the year 2024. The petitioner is having two daughters and the victim is her younger daughter and she is 17 years old minor. The victim developed love affair with one Rohith and became pregnant, for which, a criminal case has been registered as against the offender under Sections 5(I), 5(j) (ii) and 6 (1) of the POCSO Act, 2012. Since the petitioner is a minor, her mother has filed this petition for the aforesaid relief.



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3.This Court on 27.02.2026 issued direction to the second respondent to constitute a board to consider as to whether the victim girl can undergo termination of pregnancy immediately and to submit a report to this Court, pursuant to which, the second respondent has constituted a special MTP Board on 28.02.2026 and on 28.02.2026 the Special MTP Board has rendered opinion as follows:

"Board Opinion-

After detailed clinical examination and ultrasound evaluation and Psychological assessment and Multidisciplinary deliberation, the Board unianimously records the following opinion.

The Board is of the considered opinion that continuation of pregnancy after 31 weeks poses serious risk to her physical and mental health of the child.

Hence Termination of pregnancy can be done on the grounds of substantial risk to physical and mental health of the child.

If MTP permitted by the Honourable High Court, Medical Termination of Pregnancy



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*may be undertaken in the Tertiary care centre
(Chengalpattu Medical College Hospital).*

*The child and her guardian have been
counseled for:*

- 1.Feticide before Termination
(Stoppage of Fetal Heart)*
- 2.Risk of late Termination."*

4.In view of the Special MTP Board opinion, this Court cannot issue any positive direction in favour of the petitioner and the victim girl. If at all the petitioner insists to take the risk of MTP for the victim girl, after obtaining necessary formalities from the petitioner and the victim girl, the Medical Board may be permitted to proceed in accordance with law.

5.The writ petition is disposed of. No costs.

03.03.2026

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No



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To

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M.DHANDAPANI,J.
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