



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P.(MD) No.4889 of 2017

Kottaichamy

... Petitioner

-vs-

1. The Superintendent of Police,
Dindigul District
2. The Inspector of Police,
Oddanchatram Police Station,
Dindigul taluk, Dindigul District
3. The Dean,
Rajaji Hospital, Madurai.
4. The Joint Director of Health Services,
Dindigul District
Dindigul.
5. The Medical Officer,
Government Hospital
Dindigul, Dindigul District

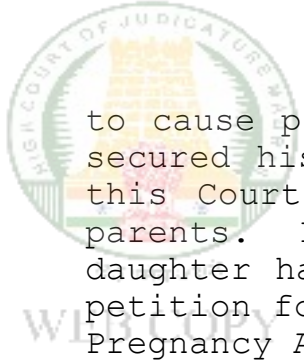
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 2nd respondent to take necessary action and refer my daughter Devika before respondents 4 and 5 and further direct the respondents 4 and 5 to act as per Section 3 of the medical termination of pregnancy act to abort the pregnancy of my daughter.

For Petitioner : Mr.D.Selvaraj
For Respondents : Mr.T.S.Mohammed Mohideen
Addl. Govt. Pleader

O R D E R

It is the case of the petitioner that his minor daughter Devika was kidnapped on 13.02.2017, in connection with which, on the complaint given by the petitioner, Oddanchatram Police Station, registered a case in Crime No.48/2017 on 14.02.2017 under Section 366(A) IPC against one Bose and five others. Since the police were not able to trace the whereabouts of his daughter, the petitioner filed HCP(MD) No.254/2017 for a direction to the police



to cause production of his daughter before this Court. The police secured his daughter and produced her before the Division Bench of this Court on 22.02.2017 and she has now been entrusted with her parents. It came to the knowledge of the petitioner that his minor daughter had conceived and therefore, he has filed the present writ petition for the above relief in terms of the Medical Termination of Pregnancy Act.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. Today, Dr.Divya, Assistant Surgeon, Government Headquarters Hospital, Dindigul is persent.

4. From the case records produced by the Doctor, it is seen that the petitioner's daughter was medically examined by her on 25.02.2017 and she has given a finding that she is carrying 19 weeks old foetus in her womb. Today, we are on the 27th of March 2017 and the foetus is 23 weeks old now. Therefore, under Section 3 of the above said Act, no medical termination of pregnancy can be done beyond 20 weeks. Therefore, this Court is not in a position to accede to the prayer of the petitioner for medical termination of the pregnancy of the petitioner's daughter. However, the learned counsel for the petitioner submitted that the petitioner's daughter requires the best treatment at the Government Hospital and therefore, he prays for suitable direction. One cannot have two opinion on this.

5. As pointed out, the State had failed to protect the girl from abduction and deflowering. It has the duty to provide the best medical treatment to the petitioner's daughter during her pregnancy. Therefore, this Court directs the petitioner to admit his daughter in the maternity ward of the Government Headquarters Hospital, Dindigul and the 4th respondent is directed to ensure that best medical treatment is given at the cost of the State.

6. With the above direction, this petition is closed. A photo copy of the medical report examination of the petitioner's daughter at Government Headquarters Hospital, Dindigul has been furnished to the learned counsel for the petitioner across the Bar.

Sd/-
Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar



To

1. The Superintendent of Police,
Dindigul District
2. The Inspector of Police,
Oddanchatram Police Station,
Dindigul taluk, Dindigul District
3. The Dean,
Rajaji Hospital, Madurai.
4. The Joint Director of Health Services,
Dindigul District
Dindigul.
5. The Medical Officer,
Government Hospital
Dindigul, Dindigul District.

+ 1 CC TO Mr.D.SELVARAJ, ADVOCATE IN SR No. 18543
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 18383

RR

TE/MMS/SAR-II : 28/03/2017 : 3P/8C

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