

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.25581 of 2018
and W.M.P.No.29731 of 2018

B.Mallika

... Petitioner

Vs

- 1.The District Collector
Perambalur
Perambalur District.
- 2.The District Child Protection Officer
Department of Social Defence
154, M.M.Plaza, 2nd Floor
Trichy Main Road
Perambalur
Perambalur District.
- 3.The Legal-Cum-Probation Officer
District Child Protection Unit
154, M.M.Plaza, 2nd Floor
Trichy Main Road
Perambalur
Perambalur District.
- 4.The Residential Medical Officer
Government Head Quarters Hospital
Near Old Bus Stand
Perambalur
Perambalur District.
- 5.The Warden
Annai Angel Short Stay Home
Rover Arch Street
Venkatesapuram
Perambalur
Perambalur District.
- 6.The Inspector of Police,
All Women Police Station

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Perambalur, Perambalur District.
Crime No.24 of 2018.

7.The District Social Welfare Officer,
Collectorate Campus,
Perambalur District.

... Respondents

PRAYER :

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 4th respondent to terminate the unwanted pregnancy of petitioner's daughter Minor.B.Pachaiyammal, D/o.Balu, aged 13 years, born on 09-06-2005 caused due to the crime against her, in Crime No.24 of 2018 dated 05-09-2018 under Sections 5(1), 5(j)(ii) and 6 of Protection of Child from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act 2006, by considering the representation dated 12-09-2008.

For Petitioner : Mr.S.S.Jhothivani
For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader
for R1 to R7.

O R D E R

The petitioner has come up with this writ petition seeking a direction to the fourth respondent to medically terminate the unwanted pregnancy of her minor daughter viz., B.Pachaiyammal, aged about 13 years, by considering the petitioner's representation dated 12.09.2018.

2. Today, when the matter is taken up for consideration, the learned Special Government Pleader appearing for the respondents, produced the Doctor's report dated 01.10.2018 wherein, it has been opined as follows:

" As on date 01/10/2018 she is 16 weeks (Completed) pregnant. As on date, there is no obstetric indication for termination of pregnancy. Second Trimester abortion is not without any complications.

Complications which may occur are:

(i) Severe vaginal bleeding which may require blood transfusion,
(ii) Infection,
(iii) Retained products of conception (Incomplete abortion).

It may end up in surgical termination of pregnancy and anesthesia risk."

3. In the light of the Doctor's opinion, this Court cannot

give any direction as prayed for in this writ petition. Hence, this writ petition stands dismissed granting liberty to the petitioner to approach the medical authorities concerned for appropriate medical care. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

msv

To

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+1cc to Mr.S.S.Jhothivani, Advocate, S.R.No.71687

+1cc to the Government Pleader, S.R.No.72040

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CS/15/11/2018



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