

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :11.01.2019

CORAM
THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA
W.P.No.957 of 2019

A.Dakshinamurthy

.. Petitioner

versus

1.The State

Rep. By Secretary,
Health Department,
Secretariat, Fort St. George,
Chennai 600 009.

2.The Director

Institute of Obstetrics Gynaecology,
Government Hospital for Women
and Children,
Egmore,
Chennai 600 008.

3.The Inspector of Police,
AWPS, Panruti,
Cuddalore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st and 2nd respondents to medically terminate the pregnancy of the petitioner's daughter in accordance with Section 3 of the Medical Termination of Pregnancy Act expeditiously and grant such relief.

For Petitioner : Mr.Sudha Ramalingam

For Respondents : Mr.V.Shanmuga sundar
Special Government Pleader

O R D E R

This writ petition has been filed by the father of the victim, seeking permission of this Court to medically terminate the pregnancy of his daughter in accordance with section 3 of the Medical Termination of Pregnancy Act, 1971.

2. Dr.Ms.Shoba, Director, Institute of Obsterics and Gynaecology, Government Hospital for Women and Children, Egmore,

Chennai - 600 008 and Dr. Seethalakshmi, Project Officer, Family Welfare Department, Institute of Obstetrics and Gynaecology, are present in Court. From the submissions made by the Doctors present, it is learnt that the victim is 18 weeks pregnant. She has become pregnant, being a victim of rape incident. The Director has submitted the report of the victim stating that the victim is unmarried and referred from Government Villupuram Medical College Hospital, Villupuram. She is a known case of Hypothyroid since childhood and is on thyroxine for the same. Her Ultrasound revealed that she is pregnant and gestational age is 17 weeks and 6 days. In the affidavit, it has been stated in para 2 that the victim was intellectually disabled, but the doctors who had examined in the medical health hospital have certified that she is normal and her mental health is within the parameters.

3. As the father only had filed the affidavit, as required under Section 3 of the Medical Termination of Pregnancy Act, consent had to be obtained from the pregnant woman.

4. The learned Counsel for the petitioner had obtained an affidavit sworn-in by the pregnant woman, who is now admitted in the Institute of Obstetrics and Gynaecology, Government Hospital for Women and Children, Egmore, Chennai - 600 008. In para 3 of the said affidavit, she has expressed her willingness to terminate her pregnancy and given her consent voluntarily without any coercion. It is also stated that since the pregnant woman is having congenital hypothyroidism, it is advisable to terminate the pregnancy before the length of the pregnancy exceeds 20 weeks.

5. This Court is of the opinion that the procedure of termination of pregnancy of Ms.D.Kanimozhi, daughter of A.Dakshinamurthy, shall be done by a team of medical experts, including the experts in Obstetrics and Gynecology under the supervision of the second respondent, who was present in the Court, after examining the physical fitness at the earliest. Accordingly, the Writ Petition is allowed. No costs.

6. Detailed order in this matter will be given later.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jv/ggi

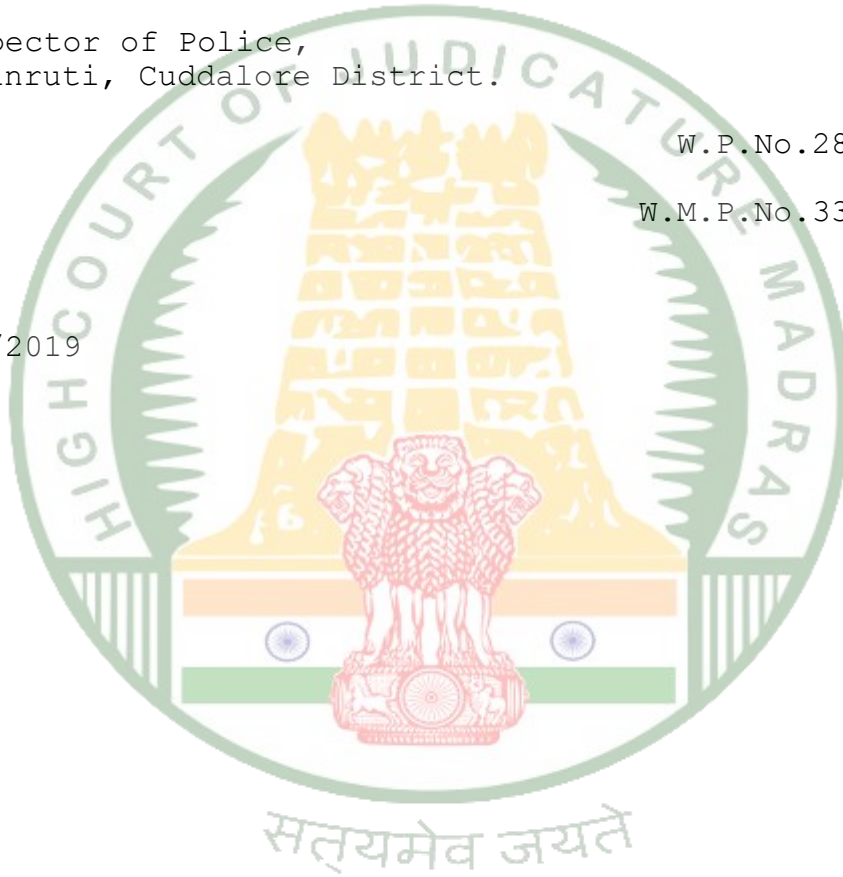
To

- 1.The Secretary,
Health Department,
Secretariat, Fort. St.George,
Chennai-600 009.
- 2.The Director,
Institute of Obstetrics and Gynaecology
Government Hospital for Women and Children,
Egmore, Chennai - 600 008.
- 3.The Inspector of Police,
AWPS, Panruti, Cuddalore District.

W.P.No.28318 of 2018
and
W.M.P.No.33025 of 2018

SPD(CO)

rrs 11/01/2019



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