

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.8681 of 2020

N.Ranjith

..Petitioner

Vs.

1. The Inspector of Police,
Flower Bazaar AWPS,
Flower Bazaar,
Chennai-600 001.

2. The Residential Medical Officer,
Government Maternity Hospital,
Egmore,
Chennai-600 008.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent to terminate the 20 weeks pregnancy of the petitioner's daughter Anu, through qualified Doctors as per the Medical Termination of Pregnancy Act, 1971.

For petitioner : Mr.K.Kannan
For respondents : Mr.E.Balamurugan, Spl.G.P.

ORDER

(The Order of the Court was made by R.Subbiah, J)

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the second respondent to terminate the 20 weeks pregnancy of the petitioner's daughter Anu, through qualified Doctors as per the Medical Termination of Pregnancy Act, 1971.

2. The petitioner is the father of the victim girl-Anu, who was born on 06.05.2006. In the affidavit filed in support of the Writ petition, it is averred by the petitioner that his minor daughter-Anu is studying in 9th Std. She fell in love with one Purushoth. When the petitioner and his wife had come to

know the love affair of their daughter, they have advised her not to continue the love affair and to concentrate on her studies. They were under the impression that their daughter had disconnected her affairs with the said Purushoth.

3. While so, on 10.06.2020, the victim-girl/daughter Anu informed the petitioner and his wife that she is suffering from stomach pain and menstrual period stopped. They took her to Government Maternity Hospital, Egmore. The Doctor who examined her, informed the petitioner and his wife that she is in fourth month of pregnancy. When they enquired her daughter, they came to know that she was subjected to intercourse by the said Purushoth. Hence, the petitioner lodged a complaint with the first respondent-Police and the same was registered in Crime No.2 of 200 for the offence under Section 6 of the POCSO Act. Thus, the petitioner has come forward with the present Writ Petition for the relief stated supra.

4. Heard both sides and perused the materials available on record.

5. It is an unfortunate case where the minor girl, aged about 14 years, was subjected to forcible sexual intercourse by the said Purushoth. We are fully aware of the trauma that the victim girl as well as the child to be delivered may confront, emotionally, physically and mentally. Hence, we are of the view that the Writ Petition has to be allowed as prayed for.

6. Accordingly, the Writ Petition is allowed. The second respondent is permitted to terminate the 20-week pregnancy of the petitioner's daughter Anu, through qualified Doctor as per the Medical Termination of Pregnancy Act, 1971. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Flower Bazaar AWPS,
Flower Bazaar,
Chennai-600 001.

2. The Residential Medical Officer,
Government Maternity Hospital,
Egmore,
Chennai-600 008.

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PVS (CO)
KKV/13/08/2020



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