



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Special Original Jurisdiction

Wednesday, the Fifteenth day of July Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

WP(MD) . No.7636 of 2020

R.Parimala

... Petitioner

Vs

- 1 The Dean
Thanjavur Medical College and Hospital
Thanjavur District
- 2 The Chairman,
The District Child Protection Officer,
Department of Social Defence,
Government Children Home,
Thanjavur.
- 3 The District Collector,
Thanjavur District Thanjavur
- 4 The Social Welfare Officer,
Thanjavur District, Thanjavur
- 5 The Inspector of Police
All Women Police Station,
Vallam,
Thanjavur District (Crime No.7/2020)

... Respondents

Prayer :-

This Writ Petition filed Under Article 226 of the Constitution of India praying to issue a writ of Mandamus or any other appropriate Writ order or direction in the nature of such Writ, directing the 1st respondent to terminate the unwanted pregnancy of my sister's daughter minor Durgadevi, Daughter of Ilangovan, aged 15 years, born on 01.09.2004 as per the recommendation of the 2nd respondent in No.181/Ma.Ku.Pa.A/2020 dated 09.7.2020 caused due to the crime committed against her in Crime No.7 of 2020 offence under Section 5(i)(ii), 5(n), 6 and 4 of the Protection of Child From sexual offences Act, 2012 by considering the petitioner's representation dated 09.7.2020 within a time frame as fixed by this Honourable Court

ORDER:- This Writ Petition coming upon for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.T.Villavankothai,



Advocate for the Petitioner and of Mr.S.Chandrasekar, Additional Public Prosecutor for the respondents R1 to R5, and this Court made the following order:

Heard both sides.

2.It is the case of the petitioner that the victim girl viz.,Durgadevi, is the sister's daughter of the petitioner. Further, the age of the victim girl is 15 years. After the demise of the victim girl's mother, taking advantage of the family situation, the father and grandfather of the victim girl committed grucious act and due to which, the victim girl is now in the advanced stage of pregnancy. Hence, before passing any order in this petition, it is necessary to find out the medical fitness of the victim girl viz.,Durgadevi.

3. Therefore, Registry is directed to make necessary arrangements to produce the victim girl viz, Durgadevi, before the Dean, Thanjavur Medical College and Hospital, Thanjavur District, immediately to find out the medical fitness, through the respondent Police.

4. Upon production of the minor victim girl, the Dean, Thanjavur Medical College and Hospital, Thanjavur, is directed to constitute a Medical Board of not less than three Doctors, including a Gynaecologist, etc., to ascertain as to whether the termination of the pregnancy of the petitioner's daughter is medically possible, in particular, without any hindrance to the health of the victim girl and to determine whether continuance of pregnancy would involve an injury to the health of the victim, as provided under Section 5 of the Medical Termination of Pregnancy Act, 1971.

5. Registry is further directed to get a report immediately by informing the urgency to the Dean, Thanjavur, since the period of pregnancy exceeds more than 24 weeks.

List the matter on 17.07.2020.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

1. The Dean
Thanjavur Medical College and Hospital
Thanjavur District



2. The Chairman,
The District Child Protection Officer,
Department of Social Defence,
Government Children Home, Thanjavur.

3. The District Collector,
Thanjavur District Thanjavur

4. The Social Welfare Officer,
Thanjavur District Thanjavur

5. The Inspector of Police
All Women Police Station,
Vallam,
Thanjavur District

6. The Special Govt. Pleader,
Madurai Bench of Madras High Court, Madurai

Copy to:

1. The Registrar (Judicial)
Madurai Bench of Madras High Court, Madurai

2. The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 15/07/2020
HEARING DATED : 17/07/2020

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ORDER

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WP(MD). No.7636 of 2020

Giving direction and etc.
as stated within.

SMA/15/07/2020/3P/9C