



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2020

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.13797 of 2020

Govindammal

: Petitioner

Vs.

1.The Dean,
Tirunelveli Medical College Hospital,
Tirunelveli District.

2.The Inspector of Police,
All Women Police Station,
Rajapalayam, Virudhunagar District.
(Crime No.13 of 2020)

: Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the 1st respondent to take appropriate steps to terminate the pregnancy of the petitioner's daughter, by name, xxx, aged at 15 years on the basis the petitioner's representation, dated 25.09.2020.

For Petitioner
For Respondents

:Mr.P.Ganapathi Subramanian
:Mr.C.Ramesh
Special Government Pleader

ORDER

(This petition was heard through Video Conferencing)

This Writ Petition has been filed for a Mandamus seeking for a direction to the first respondent to take appropriate steps to terminate the pregnancy of the petitioner's daughter, by name, xxx, aged at 15 years, based on the representation of the petitioner, dated 25.09.2020.

2.Heard Mr.P.Ganapathi Subramanian, learned Counsel for the petitioner and Mr.C.Ramesh, learned Special Government Pleader for the respondents.

3.This Court, by its earlier order, dated 06.10.2020, directed the first respondent to constitute an Expert Committee of Doctors, who shall examine the victim girl, by name, xxx, aged 15 years, who is now residing along with the petitioner in the address mentioned in the cause title within a period of one week and after proper examination submit a report to this Court before the next hearing date.

4.As directed by this Court, the first respondent has constituted an Expert Committee of Doctors and by report, dated 14.10.2020, the Expert Committee has submitted as follows:

<https://hcservices.ecourts.gov.in/hcservices/>

"The Expert Committee is of the following opinion:

1.Pregnancy at present is 32 weeks. As per literature



period of viability is 28 weeks, So even if we terminate, the baby may born alive and survive of its own. (Preterm Baby)

2.Termination at this gestational age may end up in surgical invention (LSCS) which may have a deleterious effect on the future Obstetric carrier of the young woman.

3.Considering these factors the committee resolves to advice the honourable court in favour of continuation of pregnancy."

5.In view of the advice given by the Expert Committee that it is dangerous to terminate the pregnancy of the victim, this Court cannot grant the prayer sought for in this Writ Petition. This Court will have to necessarily follow the advice of the Expert Committee.

6.After recording the Expert Committee's report, dated 14.10.2020, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Dean,
Tirunelveli Medical College Hospital,
Tirunelveli District.

2.The Inspector of Police,
All Women Police Station,
Rajapalayam, Virudhunagar District.

+1 CC to M/s.SPL GP (SR-23321[F] dated 30/11/2020)

W.P. (MD)No.13797 of 2020
27.11.2020

SGS (CO)
KB(09.12.2020) 2P 4C