

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.5991 of 2021
and
W.M.P.No.6643 of 2021

Maruthamuthu

...Petitioner

Versus

1. The State of Tamil Nadu Rep. by
The Inspector of Police,
AWPS, Ariyalur.
2. The Dean,
Govt. Raja Mirasudar Hospital,
Thanjavur.
3. The Chief Medical Officer,
Govt. Hospital,
Ariyalur.
4. The State of Tamil Nadu Rep. by
Secretary, Home Department,
Fort St. George, Chennai - 9.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Second Respondent to terminate the 24 weeks Pregnancy of Meena, daughter of Maruthamuthu, aged 13 Years through qualified doctors under the Medical Termination of Pregnancy Act, 1971 forthwith and direct the fourth respondent to pay to the petitioner on behalf of the victim a sum of Rupees Four Lakhs as compensation under the Tamil Nadu Victim Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other crimes, 2018.

For Petitioner : Ms.P.Selvi

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This writ petition has been filed for a direction to the 2nd respondent to terminate the pregnancy of the victim girl and for payment of victim compensation.

2. When the matter came up for hearing on 05.03.2021, this Court passed the following order:

The learned Government Advocate takes notice on behalf of the respondents.

2. The petitioner is the father of the victim girl, who is aged about 13 years. This poor girl was subjected to rape and it is reported that she is 24 weeks and four days pregnant. It is also brought to the notice of this Court that the girl's physical and mental health is in a very precarious condition. The guidelines issued by this Court in Crl.OP.No.14506 of 2019 by an order dated 19.06.2019, was also brought to the notice of this Court.

3. Taking into consideration the facts and circumstances of the case, there shall be a direction to the second respondent to immediately constitute a committee and assess the physical and mental health of the victim girl and proceed further to terminate the pregnancy. This process shall be completed on or before 09.03.2021. The conceptus (foetus and placenta) shall be preserved and it shall be sent to the forensic laboratory in coordination with the first respondent Police and the DNA test of both the mother and the conceptus shall be conducted and a report shall be received from the Forensic laboratory. The said report shall form part of the case diary of the first respondent.

4. Post this case for further hearing on 16.03.2021.

3. The learned counsel for the petitioner submitted that pursuant to the orders passed by this Court on 05.03.2021, the termination of the pregnancy was completed and the victim girl continues to take treatment before the 2nd respondent hospital.

4. The only other issue that requires consideration in the present writ petition is with regard to the payment of victim compensation to the victim girl.

5. In the considered view of this Court, the petitioner can always file an appropriate application before the Additional Mahila Court, Ariyalur and seek for the victim compensation and the same shall be considered by the Court in accordance with law and orders shall be passed.

6.This writ petition is disposed of by giving liberty to the petitioner to work out his remedy for compensation before the concerned Court. It is also made clear that the respondent shall file a final report in Crime No.02 of 2021, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Inspector of Police,
AWPS, Ariyalur.
2. The Dean,
Govt. Raja Mirasudar Hospital,
Thanjavur.
3. The Chief Medical Officer,
Govt. Hospital,
Ariyalur.
4. The Secretary, Home Department,
Fort St. George, Chennai - 9.
- 5.The Public Prosecutor,
High Court, Madras.
- 6.The Additional Mahila Court,
Ariyalur.

W.P.No.5991 of 2021
and W.M.P.No.6643 of 2021

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