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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.24482 of 2021

Ms. N.Ramya Shree

... Petitioner

Vs

1. The Principal Secretary
Health and Family Welfare Department
Secretariat,
Chennai-600 009
2. The Dean
Government Kasturba Gandhi Hospital,
For Women and Children,
No.1 & 2, Victoria Hostel Road & Bell Road,
Triplicane, Chennai-600 005
3. State Represented by
Thee Inspector of Police,
W-25 All Women Police Station,
T.Nagar, Chennai-600017

... Respondents

PRAYER:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd Respondent to medically terminate the pregnancy of the petitioner namely N.Ramya Shree, Daughter of Nataraj, Hindu, aged about 21 at the earliest.

For petitioner : Mr. Shaikh Mehrunisa

For Respondents : Mr. M.R. Gokul Krishnan
Government Advocate

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus directing the 2nd Respondent to



medically terminate the pregnancy of the petitioner namely N. Ramya Shree, Daughter of Nataraj, Hindu, aged about 21 at the earliest.

2. The case of the petitioner is that the petitioner who is aged about 21 years was sexually assaulted by one Yogaraj alias Povendram/accused aged about 45 years and took video of the said illegal act. Thereafter, the accused had threatened the petitioner with the video taken by him and had physical relationship with her several times due to which she became pregnant and the FIR was also registered against the accused in Crime no.4 of 2021 on the file of the 3rd respondent police. Thereafter the accused was arrested and remanded to judicial custody. The petitioner being pregnant and she approached the Doctor for termination of her pregnancy and the same was refused by the Doctor and she was asked to approach the Court of law for getting appropriate orders. While being so, when the petitioner was taken to the trial court to record her statement under section 164 of Cr.P.C, she approached the trial court to give an order to terminate her pregnancy and the same was refused by the trial court. Having left with no other remedy, the petitioner has filed the present Writ Petition seeking the above relief.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that this Court may issue direction to the 2nd respondent to medically terminate the pregnancy of the petitioner, within a particular time frame fixed by this Court.

4. The learned counsel for the respondents submits that the proper course open to the petitioner is to approach the Chief Medical Officer for medical termination of her Pregnancy and hence, the petitioner approaching the 2nd respondent for medical termination of pregnancy is not sustainable. However, the petitioner may be given liberty to work out her remedy before the competent forum.

5. Taking into consideration the aforesaid submissions and in view of the urgency involved in the present case, this Court without expressing any opinion on the merits of the case grants liberty to the petitioner to file appropriate application before the Chief Medical Officer, Rajiv Gandhi Government Hospital, Chennai, within a period of two weeks from the date of receipt of a copy of this order and on filing of such application, the Chief Medical Officer, Rajiv Gandhi Government Hospital, Chennai, shall consider the same and pass appropriate orders in accordance with law within a period of



four weeks thereafter. This Writ Petition is accordingly disposed of. No costs.

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Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Principal Secretary
Health and Family Welfare Department
Secretariat,
Chennai-600 009
2. The Dean
Government Kasturba Gandhi Hospital,
For Women and Children,
No.1 & 2, Victoria Hostel Road & Bell Road,
Triplicane, Chennai-600 005
3. Thee Inspector of Police,
W-25 All Women Police Station,
T.Nagar, Chennai-600 017
4. The Chief Medical Officer,
Rajiv Gandhi Government Hospital,
Chennai,

+1cc to M/s.Shaikh Mehrunisa, Advocate, S.R.No.59744
+1cc to the Government Pleader, S.R.No.59496

W.P.No.24482 of 2021

AJS(CO)
CT(26/11/2021)