



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.323 of 2022

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... Petitioner

Vs.

1. The Dean,
Madurai Medical College and Hospital,
Madurai.
2. The Child Welfare Committee,
Madurai District,
Govt. Annai Sathya Children's Home,
Dr.Thangaraj Salai,
Netchalkulam Opp., K.K.Nagar,
Madurai - 625 020.
3. The Inspector of Police,
Appanthirupathy police station,
Appanthirupathy,
Madurai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to terminate the petitioner's unwanted pregnancy as per the recommendation of the second respondent in Letter No.640/CWC/2021 dated 04.01.2022 as stated in FIR in Crime No.220 of 2021 dated 01.10.2021 under Sections 5(j)(ii), 5(1) and 6 of the Protection of Child from Sexual Offences Act, 2012 within the period stipulated by this Court.

For Petitioner	: Mr.A.Haja Mohideen
For Respondents	: Mr.M.Sakthi Kumar, Government Advocate (Crl. Side)

* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

2. The petitioner is aged about 18 years. She is a victim of crime. The accused entered into physical relationship with the petitioner herein, when she was a minor and as a result, she became pregnant. The petitioner now wants to terminate the pregnancy.



3. The petitioner is therefore directed to appear before the first respondent tomorrow (08.01.2022) itself. The first respondent will constitute the Medical Board and go into the issue. If according to medical opinion, the petitioner's pregnancy can be terminated, then steps shall be taken immediately to have the same terminated. If according to the medical opinion, termination of the petitioner's pregnancy is not safe for the petitioner, then of course the question of termination will not arise at all. The matter is left entirely to the discretion of the first respondent.

4. This writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

07/01/2022

Sub Assistant Registrar(CS-II)

PMU

Note: 1. In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Dean,
Madurai Medical College and Hospital, Madurai.
2. The Child Welfare Committee,
Madurai District,
Govt. Annai Sathya Children's Home,
Dr.Thangaraj Salai, Netchalkulam Opp., K.K.Nagar,
Madurai - 625 020.
3. The Inspector of Police,
Appanthirupathy police station,
Appanthirupathy, Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P. (MD)No.323 of 2022

07.01.2022