



W.P(MD)No.14767 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14767 of 2022

XXXXXX

... Petitioner

Vs.

- 1.The Dean,
Government Hospital and Medical College,
Thoothukudi.
- 2.The Chief Medical Officer,
District Head Quarters Government Hospital,
Kovilpatti,
Thoothukudi District.
- 3.The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents No.1 and 2 to terminate the unwanted pregnancy of the petitioner's daughter namely, XXXXXX (aged about 15 years) and provide the necessary medical treatment in accordance with law.



W.P(MD)No.14767 of 2022

For Petitioner : Mr.M.Prabhu

For Respondents : Mr.M.Prakash,
Addl. Government Pleader.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents.

2.The petitioner's daughter namely., Ms.xxxxxx is a school going student. She was also working in a match factory in the weekend. The accused in Crime No.17 of 2022 registered on the file of All Women Police Station, Kovilpatti befriended the child and made her pregnant. The pregnancy is now almost 24 weeks old. The petitioner wants the pregnancy to be terminated. Hence, this writ petition came to be filed.

3.I spoke to the second respondent over whatsapp video call. The second respondent informed me that it is possible to terminate the pregnancy, though there are attendant risks, considering the age of the child and duration of the pregnancy. I also had an interaction with the child. She clearly told that she wants the pregnancy to be terminated. Section 5 of the Medical termination of



W.P(MD)No.14767 of 2022

Pregnancy Act, 1971 states that the victims of rape are eligible for termination of pregnancy upto 24 weeks.

4.In these circumstances, considering the interest of the child, the respondents 1 and 2 are directed to terminate the pregnancy of the petitioner's daughter forthwith and without any delay. They will of course adhere to the necessary medical protocol.

5.The writ petition is allowed accordingly. No costs.

08.07.2022

Index : Yes / No

Internet : Yes/ No

ias

Issue order copy on 08.07.2022 at 02.15 pm

Note: The Registry is directed to suppress the names of the petitioner and the petitioner's daughter while issuing the order copy.

To:

1.The Dean,
Government Hospital and Medical College,
Thoothukudi.



WEB COPY



W.P(MD)No.14767 of 2022

G.R.SWAMINATHAN, J.

ias

2.The Chief Medical Officer,
District Head Quarters Government Hospital,
Kovilpatti,
Thoothukudi District.

3.The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.

W.P(MD)No.14767 of 2022

08.07.2022