



W.P(MD)No.22635 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.22635 of 2022

Muthumari

... Petitioner

Vs

1.The District Collector,
Collectorate Campus,
Madurai, Madurai District.

2.The Dean,
Rajaji Government Medical Hospital,
Madurai,
Madurai District.

3.The Commissioner of Police,
Madurai City,
Madurai.

4.The Inspector of Police,
Anna Nagar Police Station,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to take appropriate immediate steps for terminate the pregnancy of the petitioner's minor daughter namely



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Nandhini aged 16 years for the unwanted pregnancy due to the rape committed after kidnapping by the Accused Persons in the case registered in Crime no. 388/2022 U/s. Girl Missing altered into 366, 344, of IPC r/w. 5, 6 of POCSO Act, dated 19.07.2022, on the file of the 4th respondent Police for considering the safeguard of the health condition of the victim, by considering the petitioner's representation, dated 17.9.2022, within a time frame fixed by this Court.

For Petitioner : Mr.S.Muthukumar

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to take appropriate immediate steps for terminate the pregnancy of the petitioner's minor daughter namely XXXX aged 16 years for the unwanted pregnancy due to the rape committed after kidnapping by the Accused Persons in the case registered in Crime no. 388/2022 U/s. Girl Missing altered into 366, 344 of IPC r/w. 5, 6 of POCSO Act, dated 19.07.2022, on the file of the 4th respondent Police for considering the safeguard the health condition of the victim, by considering the



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petitioner's representation, dated 17.9.2022, within a time frame fixed by this Court.

2.This writ petition has been filed by the mother of the victim girl with the prayer that the Medical termination of pregnancy must be undertaken upon the victim girl, who became pregnant because of the above said unfortunate offence, for which a case in Crime No.388 of 2022 has been registered.

3.The learned counsel for the petitioner submitted that the mother of the victim girl stated that the victim girl is not willing to continue the pregnancy.

4.The learned Additional Public Prosecutor submitted that now it is six weeks of pregnancy. As per the Medical termination of Pregnancy Act, the concerned Medical Officer can decide the same by following the proper procedure. He would further submit that the victim girl was produced before the Child Welfare Committee on 08.09.2022, i.e., after filing of the writ petition and on that day she has given Statement that she is willing to continue the pregnancy. But, However, the counsel for



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the petitioner submitted that she has changed her view.

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5.Let the victim girl be produced before the Child Welfare Committee, examine her and depending upon the opinion of the victim girl, by following the Medical Termination of Pregnancy Act, further steps shall be undertaken.

6.With the above said directions, this writ petition is disposed of.

30.09.2022

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To

- 1.The District Collector,
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- 2.The Dean,
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Madurai,
Madurai District.
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5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA, J

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14.10.2022