



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2022

CORAM

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

W.P.(MD)No.23160 of 2021

WEB COPY

XXXX

... 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.Thangarajsalai,  
Netchalkulam Opp., K.K.Nagar,  
Madurai - 625 020.

3. The Inspector of Police,  
Vadipatti police station,  
(Incharge Samayanallur AWPS),  
Vadipatti,  
Madurai District.

... Respondents

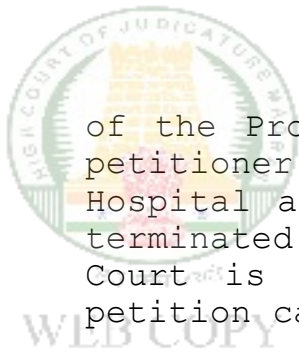
**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to terminate the unwanted pregnancy of the petitioner's daughter minor xx aged 17 years, born on 15.03.2004, as per the recommendation of the second respondent in Letter No.629/CWC/2021 dated 22.12.2021 as stated in FIR in Crime No.542 of 2021 dated 17.12.2021 under Sections 5(1), 5(j)(ii) 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,<br>Government Advocate. |

### 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 has a minor daughter aged about 17 years. One Thangapandi aged about 44 years had physical relationship with the petitioner's minor daughter and as a result, she conceived. The petitioner's daughter is presently in her 6<sup>th</sup> month of pregnancy. In this regard, Crime No.542 of 2021 has been registered on the file of Vadipatti police station for the offences under various provisions



of the Protection of Children from Sexual Offences Act, 2012. The petitioner's daughter was taken to Madurai Rajaji Government Hospital and the doctors have advised that the pregnancy should be terminated. Since the pregnancy is more than 20 weeks, the order of Court is required to terminate the pregnancy. Hence, this writ petition came to be filed.

3. The medical opinion is to the effect that the pregnancy has to be terminated and that the termination will not cause any risk to the life of the petitioner's daughter. Since I wanted to know the stand of the petitioner's daughter, I had an interaction with her over Whatsapp video call. The petitioner's daughter categorically stated that she does not want to continue pregnancy and that this writ petition has been filed with her knowledge and consent. In this case, the person who is pregnant is a victim of crime. She wants to abort the conception. Medical opinion is also to the same effect.

4. Therefore, the first respondent is directed to take appropriate steps to terminate the pregnancy of the petitioner's daughter. This writ petition stands allowed.

5. The matter cannot rest there.

6. The allegation of the prosecution is that the person who was responsible for the minor's pregnancy is aged about 44 years. He is said to be a driver of a mini bus in which the petitioner's daughter was commuting on a daily basis. The allegations made by the prosecution are fairly serious.

7. Therefore, the third respondent is directed to file final report within a period of two months from the date of receipt of a copy of this order. If the Forensic Report confirms the paternity of the accused, then the jurisdictional Court will take immediate cognizance of the offences and try the case on merits and conclude it within a period of three months, thereafter. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

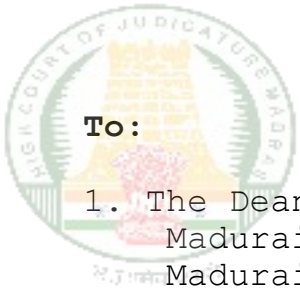
/ /2022

Sub Assistant Registrar(CS)

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.

<https://hcservices.ecourts.gov.in/hcservices/>



**To:**

1. The Dean,  
Madurai Medical College and Hospital,  
Madurai.

2. The Child Welfare committee,  
Madurai District  
Govt. Annai Sathya Children's Home,  
Dr.Thangarajsalai,  
Netchalkulam Opp., K.K.Nagar,  
Madurai - 625 020.

3. The Inspector of Police,  
Vadipatti police station,  
(Incharge Samayanallur AWPS),  
Vadipatti,  
Madurai District.

4. The Additional Public prosecutor,  
Madurai Bench of Madras High Court, Madurai

W.P. (MD) No.23160 of 2021  
03.01.2022

AM(CO)

MGJ(04.01.2022) 3P 5C