



W.P.No.11873 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11873 of 2023

R.Venkatesan

.. Petitioner

Vs.

1. The Principal Secretary to the State,
Department of Health and Family Welfare,
Secretariat, Chennai-9.

2. The Dean,
Government Thiruvannamalai
Medical College and Hospital,
Thiruvannamalai District.

3. The Chairman,
Child Welfare Committee,
Thiruvannamalai-606 705.

4. The State Rep. By
Inspector of Police,
All Women Police Station,
Chengam, Thiruvannamalai.

..Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the second respondent to terminate the pregnancy of the petitioner's daughter.



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For Petitioner : Mrs.S.Sridevi
For Respondents : Mr.E.Veda Bagathsingh, SGP

ORDER

This writ petition has been filed seeking a direction to the second respondent to terminate the pregnancy of the petitioner's daughter.

2. It is the case of the petitioner that he is residing at Pillayar Koil Street, Nandimangalam padi, Akarakaram Post, Thiruvannamalai District along with his wife and three children and he is working as coolie and his wife is also working in a shoe company. Taking advantage of the absence of the petitioner and his wife, it is alleged, one Sathish kumar, who is the relative of them, threatened the petitioner's younger daughter, aged about 14 years, had sexual intercourse with her on several occasions. In the result, she got pregnant. In this regard, the petitioner gave a complaint on 11.04.2023 against the said Sathishkumar before the 4th respondent and an FIR has also been registered against him in Cr.No.9/2023. Thereafter, the petitioner's daughter was admitted with the second respondent on 06.04.2023 for termination of pregnancy, but he was advised to get the order from this Court. Hence, the present petition.



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WEB COPY 3. The learned counsel for the petitioner submitted that the petitioner's daughter is a victim of sexual abuse and she is only 14 years old. Therefore, this Court may permit the second respondent to terminate the pregnancy of the petitioner's child.

4. When the matter is taken up for hearing, Dr.Jayanthi, Thiruvannamalai Medical College and Hospital, appeared before this Court through online and submitted that as on 06.04.2023, the petitioner's daughter is pregnant for 24 weeks. Life of the child as well as victim will be in danger if she continues to carry the foetus and as on date, medical termination of pregnancy can be undertaken.

5. In view of the medical opinion of the Doctor, keeping in mind the health of the victim, this Court directs the second respondent to conduct necessary medical procedure for termination of the pregnancy of the petitioner's daughter so that her life is not endangered. The said procedure shall be undertaken at the earliest and completed within a period of two weeks from today.



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WEB COPY 6. With the above directions, the writ petition is disposed of. No costs.

18.04.2023

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Note: Issue order copy on 18.04.2023

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1. The Principal Secretary to the State,
Department of Health and Family Welfare,
Secretariat, Chennai-9.

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M.DHANDAPANI,J.

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