



WEB COPY



W.P.No.16496 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16496 of 2023

A.Rajendran

... Petitioner

Vs.

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

2.The Dean,
Department of Obstetrics & Gynecology,
Government Thiruvvarur Medical College & Hospital,
Thiruvvarur – 610 004.

3.The Chairman,
Child Welfare Committee,
Thiruvvarur.

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

...Respondents

Prayer : Writ 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
Special Government Pleader
[R1, R2 & R4]

ORDER

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

2. The case of the petitioner is that, he had two wives and he worked as CRC driver. He has two children through his second wife namely Bharathi and Udhaya and they are aged about 16 years and 12 years. He married the second wife with the consent of the first wife and his second wife died when his daughter Bharathi was 5 years old. Since there was no one to take care of the children, their aunt Prema was taking care of them. Taking advantage of the loneliness and innocence of the petitioner's daughter, Arul Pandi and Manikandan, had sexual intercourse with her on several occasions. In the result, she got pregnant. In this regard, the petitioner gave a complaint on 27.05.2023 against the said Arul Pandi and Manikandan before the fourth respondent-Police and an FIR has also been registered against them in Crime No.19/2023 under Sections 5(1)(ii), 5(l), 5(n) and 6 of the Protection of child from Sexual



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Offences Act, 2012. Thereafter, the petitioner's daughter was taken to the second respondent on 27.05.2023 for termination of pregnancy, but the doctors advised to get an order from this Court. Hence, the present petition.

3. The learned counsel for the petitioner submitted that the petitioner's daughter is a victim of sexual abuse and she is only 16 years old. Therefore, this Court may permit the second respondent to terminate the pregnancy of the petitioner's daughter.

4. When the matter is taken up for hearing today, Dr. Josephraj, Dean, Thiruvavarur Medical College and Hospital and Dr. Sumathy, Gynaecologist, Thiruvavarur Medical College and Hospital, appeared before this Court through online and submitted that as on 27.05.2023, the petitioner's daughter is pregnant for 26 weeks. Life of the child will be in danger if she continues to carry the fetus and as on date, medical termination of pregnancy can be undertaken.

5. In view of the medical opinion of the Doctors, keeping in mind the health of the victim, this Court directs the second respondent to conduct



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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.

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

02.06.2023

Index : Yes / No

Speaking Order / Non Speaking Order

Neutral Citation Case : Yes / No

Note: Issue order copy on 02.06.2023.

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To
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M.DHANDAPANI,J.

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