



W.P(MD)No.13018 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.13018 of 2023

A.Bagavathi

... Petitioner

Vs.

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Dean,
Tirunelveli Medical College Hospital,
Highground, Tirunelveli.

3.The Inspector of Police,
Alangulam Police Station,
Tenkasi District.

4.TSSS Saranalayam Home,
Balapackiya Nagar,
Tirunelveli.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the 2nd respondent to terminate the pregnancy of the petitioners minor daughter namely Minor A aged about 14 years within the time frame fixed by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.



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(The child name deleted and a neutral name 'Minor A' given vide Court Order dated 06.06.2023 in WP(MD).13018/2023 by CVKJ)

For Petitioners : Mr.S.Sundarapandian
Advocate.

For R1 to R3 : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of a mandamus seeking a direction, to the Dean, Tirunelveli Medical College Hospital at Tirunelveli, to terminate the pregnancy of the minor daughter of the petitioner herein was aged 14 years.

2. When presented with the writ petition, this Court had passed the following order on 06.06.2023 :

" Ms. D. Farzana Ghousia, learned Special Government Pleader takes notice for the respondents 1 to 3.

2.Let me not issue notice to the fourth respondent for the present. The second respondent/Dean, Tirunelveli Medical College Hospital, Tirunelveli, may examine the child, on being produced by the third respondent from the fourth respondent and give a report about the medical condition of the child and also give her counselling to make her to



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understand the nature of surgical intervention, which is to be performed on her. Further the second respondent may also engage in a discussion with the petitioner herein.

3.Let a report be filed in this regard before this Court on 15.06.2023.

4.Registry may delete the name of the child, which was given in the affidavit wherever it is recorded and give a neutral name "Minor A" and ensure that the correction is done by erasing the name completely in the affidavit. The petitioner may file a fresh affidavit by deleting the name of child and inserting 'Minor A'."

3. The matter was then listed again on 15.06.2023. On that date, it was informed that a compromise had been effected between the petitioner and the accused. This was rejected by this Court and the following order was passed.

" The Writ Petition has been filed on the ground that the daughter of the petitioner was kidnapped and thereafter, she was sexually assaulted leading to impregnation and consequently, seeking a direction to terminate the pregnancy.

2.The daughter of the petitioner is a minor. A direction was given on 06.06.2023 that the second respondent/Dean, Tirunelveli Medical College and Hospital, Tirunelveli must examine the child/minor on being produced by the third respondent from the fourth respondent and give counselling to understand the nature of surgical intervention.



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3.It is today informed that a compromise had been effected between the petitioner with the accused. I can not accept that particular fact, since a serious offence committed by the accused.

4.An affidavit may be filed by the third respondent/Inspector of Police, Alangulam Police Station, indicating whether merely because the petitioner and the accused have entered into a compromise, the third respondent is prepared to derelict from his duty and file a charge sheet by which the accused would certainly be acquitted of the offence.

5.Let the third respondent commit himself as to whether proper investigation would be done and whether he would ensure that justice would finally be obtained for the offence which had been committed.

6.For filing an affidavit on behalf of the third respondent, list the matter on 22.06.2023. If the affidavit is not satisfying in nature, the Court will also call upon the third respondent to appear in person."

4. I am informed that the Ms. R.Santhakumari, Inspector of Police, All Women Police Station, Alangulam, Alangulam Sub Division, Tenkasi District, is present in Court. A status report had been filed and I must place appreciation on the said Inspector of Police that she had realized that she had to discharge her duty and therefore though the said order was passed on 15.06.2023, on realization, the following had been stated in the status report.



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" It is submitted that after coming to know of the said factum that the victim girl is pregnant, the petitioner who happens to be mother of the victim girl submitted a representation to respondents 1 and 2 for terminating the pregnancy of the victim girl on 01.06.2023. While so, our police personnel have arrested the said accused Aravind on 03.06.2023 and recorded his statement. It is further submitted that there after the victim girl was produced before the learned Judicial Mgistrate Court, Alangulam, for recording her statement u/s 164 Cr.P.C on 16.06.2023.

7.It is further submitted that during her medical examination by the doctors of the 2nd respondent the doctors have advised for termination of her pregnancy in view of serious health condition at that time more fully development of wombs etc., in her body. Subsequently the said pregnancy has been terminated taking care of her health condition on 11.06.2023. Thereafter, the samples and other materials were taken from the body of the victim girl and sent to Forensic Laboratory for testing and report. The said Forensic Laboratory attached to the 2nd respondent Medical College, after conducting necessary tests submitted its report to our police station. I further submit that I have there after collected various statements and documents from the relatives and experts and I am ready to file the charge sheet soon before the concerned Court.

8.I respectfully submit that as per directions of this Hon'ble Court, as stated above after conducting thorough investigation from all angles and as per the advice of the



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Doctors of the 2nd respondent hospital, the pregnancy of the victim girl has been duly terminated to protect her life."

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5. This Court places its deep appreciation to Mrs.D.Farjana Ghoushia, learned Special Government Pleader, who had taken strenuous effort to ensure that the Inspector of Police discharge her duties and also ensured that the health condition of the minor child had also been taken care of. No further orders are required.

6. This Writ Petition stands disposed of. No costs.

22.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

- 1.The District Collector, Tenkasi District, Tenkasi.
- 2.The Dean, Tirunelveli Medical College Hospital,
Highground, Tirunelveli.
- 3.The Inspector of Police, Alangulam Police Station, Tenkasi District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court,
Madurai.



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C.V.KARTHIKEYAN, J.

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