



WEB COPY



W.P.No.13962 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Writ Petition No.13962 of 2024

Yanawadala Sri Harshitha

.... Petitioner

-Vs-

1.The Principal Secretary
Government of Tamil Nadu
Home Department, Fort St.George
Chennai.

2.The District Collector
Collectorate, GST Road
Chengalpattu – 603 001.

3.The Chairman
Child Welfare Committee
JKC Nagar, Paranur, Chengalpattu.

4.The Dean
Chengalpattu Medical College Hospital
Chengalpattu.

5.The Inspector of Police
AWPS – Sriperumbudur
Kancheepuram.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 4th respondent to terminate the 27 weeks pregnancy of the petitioner within the time frame fixed by this Hon'ble Court and consequently direct the respondents to preserve the foetus for the purpose of the prosecution evidence in Cr.No.5 of 2024 pending on the files of the 5th respondent.



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For Petitioner : Mr.I.Abdul Basith
For Respondents : Mr.D.Ravichander, Special Government Pleader
- for RR 1 to 3
Mr.Tippu Sultan, Government Advocate – for R4
Mr.Vinoth Kumar, Government Advocate – for R5

ORDER

Heard both sides.

2. The writ petitioner is an engineering college student. She states that she was induced to have physical intimacy with the accused in Crime No.5 of 2024 registered on the file of the All Women Police Station, Sriperumbudur. She became pregnant. The petitioner now want to terminate the pregnancy.

3. The Hon'ble Apex Court had upheld the right to abortion. But then, the doctors will carry out the same only if it is in the best interest of the woman concerned. These are matters in which the Writ Court cannot take the final call. It is for the fourth respondent who has to decide.

4. I permit the petitioner to appear before the fourth respondent on 24.05.2024 at 10.30 a.m. The fourth respondent will constitute the Medical Board immediately and the petitioner will be examined. If the doctors come to the conclusion that terminating the pregnancy will not affect the health of the petitioner, abortion shall be carried out immediately.



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5. With this liberty to the petitioner and direction to the fourth respondent, the writ petition is disposed of. No costs.

22.05.2024

Index : Yes/No
Internet : Yes/No
KST

Note : Issue order copy tomorrow (23.05.2024)

To

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Chennai.
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G.R.SWAMINATHAN, J.

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