



W.P.(MD)No.7580 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7580 of 2024

Palaneeshwari

Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Child Welfare Officer,
Madurai District,
Madurai.

3.The Dean,
Government Rajaji Hospital,
Madurai.

4.The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai District.

Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, in the nature of Writ of Mandamus, directing the respondents to terminate the pregnancy of the petitioner's daughter namely, Murugeshwari, aged about 16 years through Government registered



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Medical Practitioners.

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For Petitioner : Mr.V.Thirumal
For Respondents : Mr.A.Albert James
Government Advocate (Crl.side)

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate.

2.The Legal Services Authority attached to the Madurai Bench of Madras High Court requested the Registry through their counsel to hear this writ petition today itself, in view of the urgency of the situation.

3.The petitioner's minor daughter is more than five months pregnant. She is a victim of a crime. Criminal case has been registered (Crime No.17 of 2024 on the file of AWPS, Thallakulam, Madurai City) against two persons under the relevant provisions of the POCSO Act, 2012. The petitioner seeks termination of her daughter's pregnancy. The cut off date (24 weeks) will fall on 28.03.2024. Since the length of



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pregnancy has exceeded 20 weeks, a clearance from the Medical Board is required. Since the cut off is fast approaching, in order to avoid further delay, the mother of the victim has filed this writ petition.

4.The petitioner's daughter has been admitted in Madurai Government Rajaji Hospital. I wanted to ascertain the views of the child before passing any order. The respondent police as well as the Hospital authorities facilitated the interaction. The child, who is an unfortunate victim of circumstances, told me that she wants to terminate the pregnancy. The child told me over video call that she has been admitted in the Hospital only for the purpose of abortion and that she recognized that she was speaking to a Judge. I am more than satisfied that nothing is being done against the will of the child. Even though the victim is desirous of terminating the pregnancy, the Medical Board will have to endorse their opinion.

5.I therefore direct the Dean, Madurai Government Rajaji Hospital to constitute a medical Board and cause examination of the victim immediately. (i.e within two days from today). If according to



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medical opinion, the petitioner's daughter's pregnancy can be terminated, then steps shall be taken immediately to have the same terminated. If according to the medical opinion, termination of the petitioner's daughter's pregnancy is not safe for her, then the question of termination will not arise at all. The matter is left entirely to the discretion of the third respondent.

6.This writ petition is disposed of accordingly. No costs.

23.03.2024

NCC : Yes/No
Index : Yes / No
vrn



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G.R.SWAMINATHAN,J.

vrn

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