



W.P(MD)No.11683 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11683 of 2024

Radhakrishnan

... Petitioner

Vs.

1.The Medical Officer,
Government Hospital,
Palani,
Dindigul District.

2.The Dean
Government Rajaji Hospital,
Madurai.

3.The Inspector of Police,
All Women Police Station,
Palani,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd Respondent to abort the pregnancy of the daughter of the Petitioner as per Section 3 of the Medical Termination of Pregnancy Act, on the basis of the petitioner's representation dated 30.05.2024 within a time frame to be stipulated by this Court.



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For Petitioner : Mr.P.Krishnasamy

For Respondents : Mr.D.Sasikumar
Additional Government Pleader
for R1 & R2

: Mr.A.Albert James
Government Advocate (Crl.side) for R3

ORDER

Heard both sides.

2. The petitioner is working as a driver. His minor daughter developed intimacy with juvenile and became pregnant. The child is now in the 7th month of pregnancy. She is presently in the second respondent hospital. I wanted to know if it is safe to conduct abortion for the petitioner's daughter. The medical opinion is in the affirmative. However, the doctors do not want to take any decision or carry out any procedure without obtaining the court's order. I am clearly of the view that since the medical opinion is to the effect that performing abortion will not affect the petitioner's daughter's health, abortion has to be necessarily performed. This is for more reasons than one. The petitioner's child herself is hardly 15 years. Pregnancy arose out of illegal intimacy. The accused is also a juvenile.



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3. In these circumstances, it would be most unsafe for the petitioner's daughter to deliver a baby and it would be impossible for the petitioner's daughter to bring up the child on her own. Taking into account the oral instructions and also the medical opinion, I direct the second respondent to terminate the pregnancy of the petitioner's daughter forthwith and without any delay.

4. The Writ Petition is allowed. No costs.

04.06.2024

Index : Yes / No

Internet : Yes/ No

rmi

NOTE: Issue Order Copy on 04.06.2024

To

1. The Medical Officer,
Government Hospital,
Palani,
Dindigul District.

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G.R.SWAMINATHAN, J.

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