



W.P.Crl.(MD) No.2784 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.Crl.(MD).No.2784 of 2026

XXXX

.... Petitioner

Vs.

1.The Chief Medical Officer,
Government Hospital,
Tenkasi,
Tenkasi District.

2.The Chief Medical Officer,
Government Hospital,
Sankarankovil,
Tenkasi District.

3.The Inspector of Police,
All Women Police Station,
Sankarankovil,
Thiruvankadam,
Tenkasi District.

...Respondents

Prayer: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue Writ of Mandamus, to direct the 1st and 2nd respondent herein to act in accordance with section 3 of the Medical Termination of Pregnancy Act, 1971, for terminating of the pregnancy of petitioner, who is victim in crime No.17 of 2026 on the file of the 3rd respondent police at the earliest as the continuance of



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pregnancy would cause graver danger to the physical or mental health of the petitioner by considering her representations dated 29.04.2026 in accordance with law.

For Petitioner : Mr.D.Balamurugapandi

For R-1 & R-2 : Mr.K.Saravanan
Counsel for Government of TN
(Civil Side)

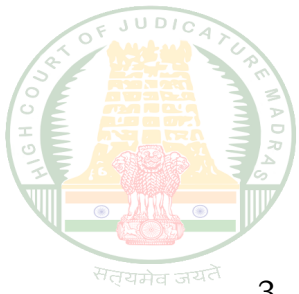
For R-3 : Mr.D.Rajaboopathy,
Counsel for State of TN (Crl. side)

ORDER

The petitioner, a 30-year-old woman, has approached this Court invoking Article 226 of the Constitution of India seeking a direction to the respondents to facilitate medical termination of her pregnancy, which is presently stated to be approximately eight weeks in gestation.

Facts of the case:

2. According to the petitioner, she was married on 03.09.2013 and two children were born out of the wedlock. Owing to matrimonial discord, she was allegedly deserted by her husband and has been residing with her parents.

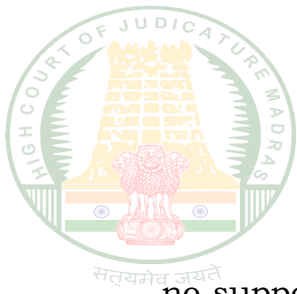


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3. The petitioner would further aver that during the period of separation from her husband, one Arunpandi developed intimacy with her and promised to marry her. Believing such assurance, she entered into a relationship with him. Subsequently, he allegedly reneged on his promise and married another woman.

4. Aggrieved by such conduct, the petitioner lodged a complaint before the third respondent police, culminating in registration of Crime No.17 of 2026 for offences under Sections 318(2) and 351(2) of the Bharatiya Nyaya Sanhita. It is further stated that when attempts were made to compel her to withdraw the criminal proceedings, another complaint came to be lodged, resulting in registration of Crime No.76 of 2026 for offences under Sections 296(b) and 351(3) of the Bharatiya Nyaya Sanhita and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

5. The petitioner has produced medical records indicating that she is carrying a pregnancy of about eight weeks. She asserts that she is already burdened with the responsibility of maintaining two children, is working as a daily wage labourer for her livelihood, has



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no support from the biological father of the foetus and is undergoing severe emotional, social and financial distress. It is her categorical stand that continuation of the pregnancy would inflict grave injury upon her mental health and adversely affect her ability to care for herself and her children.

6. The grievance of the petitioner is that despite approaching the respondents and submitting a representation dated 29.04.2026 seeking termination of pregnancy under the provisions of the Medical Termination of Pregnancy Act, 1971, no effective action has been taken. Hence, the present writ petition.

7. The question that arises for consideration is whether the petitioner is entitled to a direction enabling her to avail medical termination of pregnancy in accordance with the provisions of the Medical Termination of Pregnancy Act, 1971.

8. The Medical Termination of Pregnancy Act, 1971, as amended by Act 8 of 2021, is a beneficial legislation enacted to ensure safe, legal and dignified access to reproductive healthcare.



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9. Section 3(2)(a) of the Act permits termination of pregnancy where the length of pregnancy does not exceed twenty weeks, if a registered medical practitioner forms an opinion in good faith that the continuance of pregnancy would involve risk to the life of the pregnant woman or grave injury to her physical or mental health.

10. Explanation I to Section 3 recognizes that anguish resulting from an unwanted pregnancy may constitute grave injury to the mental health of the pregnant woman. Section 3(3) further mandates that while assessing such injury, account may be taken of the woman's actual or reasonably foreseeable environment.

11. In ***Suchita Srivastava v. Chandigarh Administration***¹, the Hon'ble Supreme Court unequivocally recognized reproductive choice as an integral facet of personal liberty guaranteed under Article 21 of the Constitution of India.

12. In ***X and others v. Union of India***², the Hon'ble Supreme Court reiterated that a woman's right to bodily integrity and

¹ (2009) 9 SCC 1

² (2017) 3 SCC 458



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decisional autonomy forms part of the constitutional guarantee of life and personal liberty.

13. More recently, in ***X v. Principal Secretary, Health and Family Welfare Department, Government of NCT of Delhi***³, the Hon'ble Supreme Court expansively interpreted the provisions of the Medical Termination of Pregnancy Act, 1971, and held that reproductive autonomy belongs equally to married and unmarried women. The Apex Court observed that a woman's assessment of her own circumstances deserves significant weight and that the expression "mental health" must receive a broad and purposive interpretation consistent with constitutional values.

14. The Hon'ble Supreme Court further emphasized that continuation of an unwanted pregnancy may itself result in grave injury to the mental health of a woman and that courts must adopt a rights-based approach while interpreting the provisions of the MTP Act.

3 (2023) 9 SCC 433



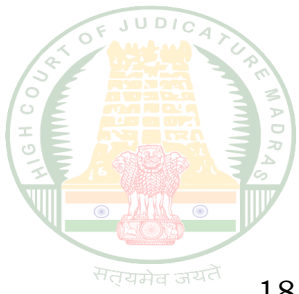
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Analysis:

15. The petitioner before this Court is an adult woman. There is no dispute regarding her competence to take decisions concerning her own body and reproductive choices. The materials placed before this Court disclose that the pregnancy is approximately eight weeks old, which is well within the statutory limit prescribed under Section 3(2)(a) of the Act.

16. The petitioner has specifically pleaded that she is already maintaining two children, is financially constrained, has been deserted by her husband and is without any support from the biological father of the foetus. The continuance of the pregnancy, according to her, would cause unbearable emotional, social and economic hardship.

17. This Court is conscious of the fact that the Medical Termination of Pregnancy Act, 1971, entrusts the ultimate medical assessment to registered medical practitioners. Equally, this Court cannot ignore the constitutional guarantee of bodily autonomy and reproductive freedom recognized by the Hon'ble Supreme Court.



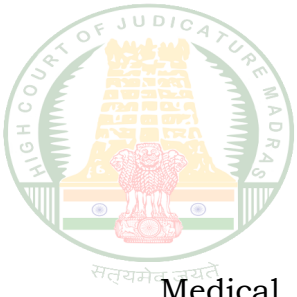
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18. Reproductive choice is not a privilege conferred by the State; it is a facet of personal liberty. A woman alone bears the physical, emotional and social consequences of pregnancy. The law therefore accords primacy to her decisional autonomy, subject only to the safeguards incorporated under the statute.

19. In the present case, the petitioner has expressed her unequivocal desire not to continue the pregnancy. Her reasons are neither fanciful nor speculative. They are rooted in her lived reality, her economic condition, her existing parental responsibilities and her apprehension regarding the future.

20. Compelling a woman to continue an unwanted pregnancy against her will would amount to an unwarranted intrusion into her bodily integrity and decisional autonomy. Such compulsion would run contrary to the constitutional principles enunciated by the Hon'ble Supreme Court in a catena of decisions.

21. Since the pregnancy is only about eight weeks and falls squarely within the statutory framework of Section 3(2)(a) of the



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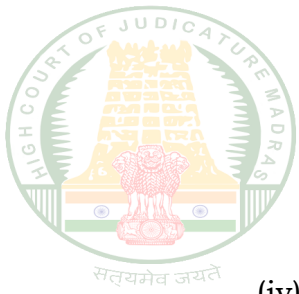
Medical Termination of Pregnancy Act, 1971, this Court is of the considered opinion that the petitioner deserves immediate access to appropriate medical evaluation and treatment without any avoidable delay.

22. Accordingly, this Writ Petition is allowed with the following directions:

(i) The petitioner shall appear before the first respondent-Dean, Government Rajaji Hospital, Madurai, within forty-eight (48) hours from the date of receipt of a copy of this order.

(ii) Upon her appearance, the first respondent shall immediately constitute an appropriate team of registered medical practitioners from the Department of Obstetrics and Gynaecology.

(iii) The medical team shall examine the petitioner forthwith and assess her eligibility for medical termination of pregnancy under the provisions of the Medical Termination of Pregnancy Act, 1971.



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(iv) If the petitioner is found medically fit , the respondents shall facilitate and carry out the medical termination of pregnancy at the earliest, strictly in accordance with the statutory procedure and accepted medical protocols.

(v) The entire exercise of medical evaluation and consequential action shall be completed as expeditiously as possible, preferably within three days from the date of the petitioner's appearance before the hospital authorities.

(vi) The consent of the petitioner alone shall be sufficient for the purpose of undertaking the procedure, subject to the requirements of the Medical Termination of Pregnancy Act, 1971.

(vii) The identity and privacy of the petitioner shall be scrupulously protected by all concerned authorities.

(viii) The third respondent police shall extend necessary assistance to the hospital authorities, if required, and shall ensure



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preservation of any medical evidence considered necessary for the purpose of the pending criminal investigation.

23. With the above directions, this Writ Petition stands allowed.

08.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

Note: Issue order copy on 11.06.2026.

To

- 1.The Chief Medical Officer,
Government Hospital,
Tenkasi,
Tenkasi District.
- 2.The Chief Medical Officer,
Government Hospital,
Sankarankovil,
Tenkasi District.
- 3.The Inspector of Police,
All Women Police Station,
Sankarankovil,
Thiruvankadam,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Sml

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