



W.P(MD)No.14682 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 02.06.2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.14682 of 2026

J.Muthukumari

... Petitioner

Vs.

1. The Dean / The Head of the Department,
Department of Endocrinology,
Government Rajaji Hospital and MMC,
Madurai.

2. The Chairman,
Child Welfare Committee,
NO.4, Sivasakthi Nagar Road,
Arun High Tech City,
Meenakshiamman Nagar,
10th Street, Suriya Nagar,
Madurai.

3. The Legal cum Protection Officer,
The District Child Protection Unit,
Collectorate New Building,
3rd Floor,
Madurai.

4. The Sub Inspector of Police,
AWPS Samayanallur Police Station,
Madurai.

...Respondents



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Prayer: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the 1st respondent to immediately constitute a Medical Board to evaluate the physical and psychological medical condition of the petitioners minor daughter and directing the 1st respondent to safely perform the Medical Termination of Pregnancy on the petitioners minor daughter X, considering her age and the trauma faced, in accordance with law 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.

For Petitioner	:M/s.B.Rukmani
For R1 to R3	:Mr.R.Parthiban Government Advocate
For R4	:Mr.I.Murugesan Government Advocate

ORDER

The writ petition is filed for a mandamus to direct the 1st respondent to constitute a Medical Board to evaluate the physical and psychological and medical condition of the petitioner's minor daughter and consequently, to direct the 1st respondent to safely perform the Medical Termination of Pregnancy on the petitioner's minor daughter X, considering her age and the trauma faced in accordance with law.



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2. Heard M/s.B.Rukmani, learned counsel appearing for the petitioner, Mr.R.Parthiban, learned Government Advocate, who takes notice on behalf of the respondents 1 to 3 and Mr.I.Murugesan, learned Government Advocate, who takes notice on behalf of the 4th respondent.

3. Upon hearing the learned counsel for the petitioner and perusing the records of the case, it can be seen that the grievance of the petitioner is that her minor daughter, aged about 16 years, was subjected to aggravated penetrative sexual assault by a known accused while she was at home. The incident was not disclosed by the child until it was discovered by her mother. Consequently, a case in Crime No. 27 of 2026 was registered on the file of the All-Women Police Station, Samayanallur, for the alleged offences punishable under Sections 329(4) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 5(l), 5(j)(ii), and 6 of the Protection of Children from Sexual Offences Act, 2012. The case is presently under investigation.



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4. Upon medical evaluation, it has been opined that the child is in the 30th week of pregnancy. Since the pregnancy has exceeded the statutory limit of 24 weeks prescribed under the Medical Termination of Pregnancy Act, 1971, the 1st respondent has not proceeded with the termination of the pregnancy. Aggrieved by the same, the petitioner has approached this Court.

5. The learned Government Advocate appearing for the respondents submitted that, as the Act prescribes an upper limit of 24 weeks for termination of pregnancy, the authorities cannot undertake medical termination beyond the said period.

6. The Investigating Officer and the Diasoning Officer from the Government Rajaji Medical Hospital, Madurai, are also present before this Court, and this Court interacted with them.

7. The law on this issue has been settled by the Hon'ble Supreme Court of India in **A (Mother of X) v. State of Maharashtra & Others** (Civil Appeal No. 827 of 2026), wherein it was held that the Medical



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termination of pregnancy is relatable to the reproductive right and the right of bodily privacy of the victim in question. In this case also the victim as well as her guardian is willing to abort the pregnancy.

8. The Hon'ble Supreme Court of India has held that if a safe pregnancy termination can be made, the consideration of the side effects cannot come in the way, so long as it is not dangerous to the life of the victim. As far as possible, the medical termination should be performed even beyond the 24th week of pregnancy.

9. In the said case, the Hon'ble Supreme Court permitted termination of the pregnancy at 28 weeks. Following the said principle, this Court in several cases directed the concerned hospital to constitute a Medical Board. If the Medical Board opines that medical termination is feasible and can be safely performed even beyond 24 weeks of pregnancy, appropriate directions have been issued permitting such termination.



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10. In view thereof, the writ petition is disposed of on the following terms:-

- i. Notwithstanding the age of the fetus or the term of the pregnancy, the 1st respondent shall immediately constitute a Medical Board. Upon examining the victim child, if it is found that medical termination can be performed without endangering her life, the same shall be carried out at the earliest possible time.
- ii. It is stated that the child has already been admitted to the 1st respondent hospital.
- iii. Without waiting for the certified copy of this order, the authority shall proceed upon receipt of the web copy. The procedure shall be carried out in accordance with the guidance of the Medical Board and in accordance with the law.
- iv. No costs.

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Neutral Citation: No
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