

WP(MD). No.15232 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 09.06.2026

CORAM

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

WP(MD). No.15232 of 2026

Nandhini

... Petitioner

Vs

1.The Superintendent of Police,
Virudhunagar District, Virudhunagar.

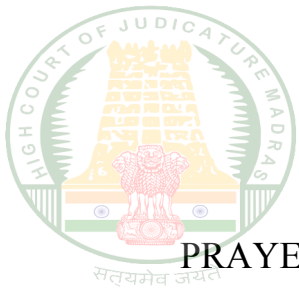
2.The District Child Protection Officer,
District Child Protection Office,
No.2/830, V.O.C. Nagar,
Soolakarai Medu,
Virudhunagar District.

3.The Chair Person,
Child Welfare Committee,
No.1/648, Lakshmi Sundaram Theatre Road,
Gandhirajan Street, Pandian Nagar,
Virudhunagar District.

4.The Inspector of Police,,
Srivilliputhur All Women Police Station,
Srivilliputhur, Virudhunagar District.

5.The Dean,
Government Medical College Hospital,
Virudhunagar District.

... Respondents



WP(MD). No.15232 of 2026

PRAYER :-

WEB COPY

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, to direct the respondents herein to discharge the petitioner's daughter, namely, XXXX (4 years old) to take further treatment in any private hospital on petitioner's own cost by considering petitioner's representation dated 01.06.2026.

For Petitioner : Mr.M.Palanivel

For Respondents : Mr.I.Murugesan
Government Advocate (Crl.Side) for R1 & R4

Ms.P.Sudarkodi Nachiar
Government Standing Counsel for R2, R3 & R5

ORDER

The Writ Petition is filed for a Mandamus directing the respondents to discharge the petitioner's daughter, namely, XXXX [4 years old], to take further treatment in any private hospital at the petitioner's cost, by considering the representation of the petitioner dated 01.06.2026.

2. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the case of the petitioner is that she is involved in a matrimonial dispute with her husband. While so, the petitioner's daughter



WP(MD). No.15232 of 2026

ate fish and on account of the same, developed some allergy. As a consequence, the petitioner admitted her daughter to a private hospital, namely, Saravana Hospital at Thalavaipuram. It is seen that the Doctor entertained certain doubts and, based on the information furnished by him, the child was taken to the Government Medical College Hospital, Virudhunagar, for further treatment. In the Government Medical College Hospital, Virudhunagar, the child was examined by the concerned Doctors and it was ruled out that there was no sexual assault or any other injury on the child. However, the child continues to remain admitted in the Government Medical College Hospital. According to the petitioner, the treatment being provided in the fifth respondent Hospital is not adequate and the child's condition is precarious in the general ward. The petitioner wants to give better treatment to the child by admitting her into a sophisticated private hospital at her own cost. Since the request made by the petitioner was not acceded to, she has approached this Court.

3. The learned counsel for the petitioner would submit that when the petitioner prefers to give treatment to her child in a private hospital at her own cost, the same ought to be permitted. The petitioner is not seeking any



WP(MD). No.15232 of 2026

order to stop the investigation relating to any suspicion surrounding the child.

The prayer is made only with reference to the treatment. When the petitioner can afford better treatment, the child should be discharged, especially when the petitioner is the natural guardian of the child.

4. Per contra, the learned Government Standing Counsel appearing on behalf of the respondents 2, 3 and 5 would submit that the child was admitted with serious injuries all over her body. The child's right arm was fractured, and there were injuries on the eyes and eyelids. There were also visible injuries on the private parts and lips of the child. The injuries and discharge from the private parts *prima facie* suggest that there could have been an aggravated penetrative sexual assault on the child. The opinion of the Gynecologist is awaited. Appropriate treatment is being given to the child, who continues to undergo treatment as an inpatient in the fifth respondent hospital, while the investigation is also in progress.

5. The learned Government Advocate (Crl. side) appearing on behalf of the respondents 1 and 4 would submit that, upon getting information from the



WP(MD). No.15232 of 2026

private hospital, the Supervisor of the Child Helpline informed the All Women Police Station, Srivilliputhur, and a case in Crime No.25 of 2026 was registered for the alleged offences under Section 118 of BNS and Section 75 of the Juvenile Justice [Care and Protection of Children] Act, 2015. Now the investigation is in progress. The petitioner as well as her alleged paramour, namely, Jagannath, S/o Seetharaman, have been arrayed as Accused Nos.1 and 2 in the case. After receiving further reports from the Government Medical College Hospital, Virudhunagar, appropriate alterations to the FIR would also be made. The petitioner and the second accused, namely, Jagannath are absconding and only a caretaker employed by the petitioner, namely Shanthi, is taking care of the child.

6. I have considered the rival submissions made on either side and perused the material records of the case.

7. *Prima facie*, on perusal of the photograph of the child, the Accident Register copy and the other medical records produced before this Court, it can be seen that the child has suffered grievous and simple injuries. There are



WP(MD). No.15232 of 2026

also injuries suggestive of sexual assault on the child. In any event, the child has been subjected to a brutal attack. The case has to be further investigated.

The case of the petitioner that the child developed an allergy after consuming fish and sustained injuries by falling from a bed on 07.07.2026 is, *prima facie*, unbelievable. The petitioner has not even specifically stated in the affidavit the date on which the child allegedly fell from the bed. While it is stated in the representation that the child fell from the bed on 07.07.2026, it can be seen that the child was admitted to the private hospital, namely, Saravana Hospital, only on 27.05.2026.

8. Considering all these circumstances, it can be seen that the child is in need of protection and that the petitioner is *prima facie* implicated as an accused. In view thereof, and since the hospital is ensuring proper care and treatment for the child, the prayer sought for by the petitioner cannot be granted. The investigation shall swiftly be carried out, considering the sensitivity of the issue, and shall proceed in the manner known to law. Further orders relating to the custody of the child can be passed in accordance with the provisions of the Juvenile Justice [Care and Protection of the Children] Act, 2015, so that an appropriate person can take care of the child,



WP(MD). No.15232 of 2026

especially considering the fact that the petitioner has been arrayed as the first accused in the case relating to the injuries sustained by the child. Further, when it is stated that the petitioner is evading the process of law, this Court is not inclined to grant any equitable relief under Article 226 of the Constitution of India.

9. With the above observations, the Writ Petition is dismissed. No costs.

09.06.2026

NCC : No
sjj

To

1.The Superintendent of Police,
Virudhunagar District, Virudhunagar.

2.The District Child Protection Officer,
District Child Protection Office,
No.2/830, V.O.C. Nagar,
Soolakarai Medu,
Virudhunagar District.



WEB COPY



WP(MD). No.15232 of 2026

D.BHARATHA CHAKRAVARTHY, J.

sjj

3.The Chair Person,
Child Welfare Committee,
No.1/648, Lakshmi Sundaram Theatre Road,
Gandhirajan Street, Pandian Nagar,
Virudhunagar District.

4.The Inspector of Police,,
Srivilliputhur All Women Police Station,
Srivilliputhur, Virudhunagar District.

5.The Dean,
Government Medical College Hospital,
Virudhunagar District.

**ORDER
IN**

WP(MD) No.15232 of 2026

Date : 09.06.2026