



W.P.(MD) No.17266 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) No.17266 of 2026

A.Selvaraj

... Petitioner

Vs.

1.The Dean,
Mahatma Gandhi Memorial Government Hospital,
Trichy - 620 017.

2.The Chairman,
Child Welfare Committee,
No.1, Kalaiarangam New Marriage Hall,
Cantonment, Trichy -1.

3.Legal Cum Protection Officer,
District Child Protection Unit,
First Floor,
No.1, Kalaiarangam New Marriage Hall,
Cantonment, Trichy - 1.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent to take appropriate steps to terminate the pregnancy of petitioner's minor daughter XXXX aged XXXX on the basis of the petitioner's representation dated 16.06.2026.

For Petitioner : Ms.J.Balameenakshi



WEB COPY



W.P.(MD) No.17266 of 2026

For Respondents : Mr.S.Vashik Ali
Standing Counsel

ORDER

The Writ Petition has been filed seeking a direction to the first respondent to take appropriate steps to terminate the pregnancy of the petitioner's minor daughter, 'X', based on the petitioner's representation dated 16.06.2026.

2. Upon hearing the learned counsel for the petitioner and perusing the materials on record, it is seen that the accused, who is stated to be the cousin brother of the victim child is alleged to have committed aggravated penetrative sexual assault on her. A case has already been registered in Crime No.25 of 2026 by the All Women Police Station, Manapparai. The child is presently admitted to the first respondent hospital and is undergoing treatment. The child, as well as the petitioner, who is her father, has consented to the medical termination of the pregnancy, which is stated to be beyond 24 weeks' gestation.

3. Considering the nature of the offence, the fact that the child is presently admitted to the hospital, and that the pregnancy is beyond 24

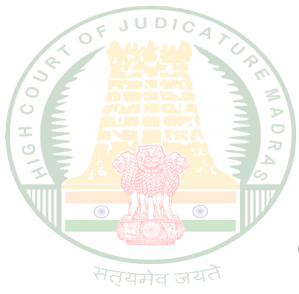


W.P.(MD) No.17266 of 2026

weeks, this Court takes note of Section 3 of the Medical Termination of Pregnancy Act, 1971, and the judgment of the Hon'ble Supreme Court of India in **A (Mother of X) vs. State of Maharashtra & Others** (Civil Appeal No.827 of 2026, dated 06.02.2026), wherein it was held that medical termination of pregnancy is relatable to the reproductive rights and bodily privacy of the victim.

4. The Hon'ble Supreme Court of India has held that, if a safe termination of pregnancy can be performed, concerns regarding possible side effects should not stand in the way, provided that the procedure does not endanger the life of the victim. As far as possible, medical termination may be considered even beyond the 24th week of pregnancy.

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



W.P.(MD) No.17266 of 2026

6. In view of the above, the writ petition is disposed of on the

following terms:

(i) Notwithstanding the age of the fetus or the duration of the pregnancy, the first respondent shall immediately constitute a Medical Board. Upon examining the victim child, if the Board finds that medical termination can be performed without endangering her life, the same shall be carried out at the earliest possible opportunity.

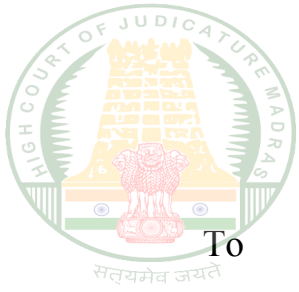
(ii) It is recorded that the child has already been admitted to the first respondent hospital.

(iii) Without waiting for a certified copy of this order, the authorities shall act upon receipt of the web copy. The procedure shall be carried out in accordance with the recommendations of the Medical Board and in accordance with law. Needless to state, the DNA sample of the fetus shall be stored.

No costs.

19.06.2026

NCC : No
smn2



W.P.(MD) No.17266 of 2026

To

WEB COPY

- 1.The Dean,
Mahatma Gandhi Memorial Government Hospital,
Trichy - 620 017.
- 2.The Chairman,
Child Welfare Committee,
No.1, Kalaiarangam New Marriage Hall,
Cantonment, Trichy -1.
- 3.Legal Cum Protection Officer,
District Child Protection Unit,
First Floor,
No.1, Kalaiarangam New Marriage Hall,
Cantonment, Trichy - 1.



WEB COPY



W.P.(MD) No.17266 of 2026

D.BHARATHA CHAKRAVARTHY, J.

smn2

W.P.(MD) No.17266 of 2026

19.06.2026