



W.P.No.18473 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.18473 of 2023

P.Jayalakshmi

... Petitioner

Vs.

1. Government Medical College Hospital,
Gandhi Road,
Krishnagiri, Tamil Nadu – 635 001,
Represented by The Dean.

2. The State,
Represented by Secretary – Health,
Health Department,
Secretariat, Fort St.George,
Chennai – 600 009.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to medically terminate the pregnancy of the petitioner's daughter in accordance with Section 5 of the Medical Termination of Pregnancy Act, 1971 expeditiously.

For Petitioners : Ms.Deepika Murali

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader



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ORDER

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This writ petition has been filed seeking for a Writ of Mandamus to direct the first respondent to medically terminate the pregnancy of the petitioner's daughter in accordance with Section 5 of the Medical Termination of Pregnancy Act, 1971.

2. The case of the petitioner is that, the petitioner and her husband are daily wage labourers and they have three children. One of the daughter of the petitioner namely Buvaneshwari, who is about 14 years old had sexual intercourse with one Murugan on the promise of marriage. Suspecting that the petitioner's daughter might be pregnant, she took her daughter to the 1st respondent hospital, which confirmed that her daughter is pregnant. Subsequently, the petitioner informed the AWPS, Krishnagiri who then registered an FIR on 06.06.2023 under Sections 5(1), 5(j)(ii) and 6(1) of the Protection of Child from Sexual Offences Act, 2012. When the petitioner's daughter was taken to the first respondent for termination of pregnancy, the doctors advised to get an order from this Court. Hence, the present petition.

3. The learned counsel for the petitioner submitted that the petitioner's daughter is only 14 years old who does not have the physical or mental capacity to take the pregnancy. Therefore, this Court may permit the



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first respondent to terminate the pregnancy of the petitioner's daughter.

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4. When the matter is taken up for hearing, Dr.Naveena Shree, MSOG, Government Medical College Hospital appeared before this Court through video conferencing mode and submitted that the petitioner's daughter is physically fit for medical termination and the said submission is recorded.

5. In view of the medical opinion of the Doctor, keeping in mind the health of the victim, this Court directs the first respondent to conduct necessary medical procedure for termination of the pregnancy of the petitioner's daughter so that her life is not endangered. The said procedure shall be undertaken at the earliest and completed within a period of two weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs.

21.06.2023

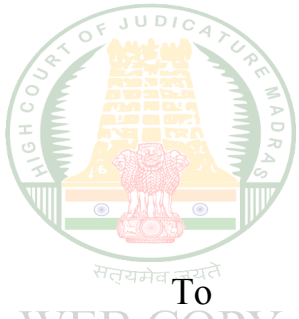
Index : Yes / No

Speaking order / Nonspeaking order

Netrual Citation Case : Yes / No

(rap)

Office to Note: Issue order copy on 22.06.2023



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To
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1. The Dean.
Government Medical College Hospital,
Gandhi Road,
Krishnagiri, Tamil Nadu – 635 001,
2. Secretary – Health,
The State,
Health Department,
Secretariat, Fort St.George,
Chennai – 600 009.



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M.DHANDAPANI, J.

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