

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.06.2026

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**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P(MD)No.17198 of 2026

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... Petitioner(s)

- Vs. -

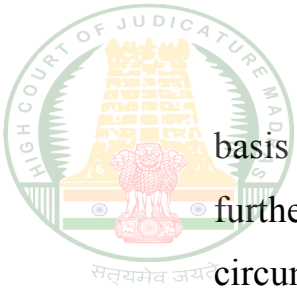
1.The Dean,
Mahatma Gandhi Memorial Government Hospital,
Tiruchirappalli.

2.The Chairman,
Child Welfare Committee,
Room No. 55, 1st Floor,
Joint Annexure Building,
Collectorate,
Karur - 639 007.

3.The Legal Cum Protection Officer,
District Child Protection Unit,
13, Samy Complex, Opp. to Rto Office,
Collectorate Post,
Karur District - 639 007.

... Respondent(s)

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus direct the 1st respondent to take appropriate steps to terminate the pregnancy of petitioners minor daughter XXX, D/o.Thavusu, aged about 17 years, on the



basis of the petitioners representation dated 18.06.2026 and pass such further or other orders as this Honble court may deem fit and proper in the circumstances of this case and thus render justice.

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For Petitioner :Mr.B.Sekar
For Respondents :Mr.P.Rajagopalan
Government Standing Counsel

ORDER

This writ petition is filed for a Writ of Mandamus directing the first respondent to take appropriate steps to terminate the pregnancy of the petitioner's minor daughter xxx, aged about 17 years, on the basis of the petitioner's representation dated 18.06.2026.

2. It is seen that the accused, who is aged about 40 years, is alleged to have committed aggravated penetrative sexual assault on the minor daughter of the petitioner and already a case in Crime No.16 of 2026 has been registered by the All Women Police Station, Kulithalai. The minor daughter is right now admitted in the Mahatma Gandhi Memorial Government Hospital, Tiruchirappalli. It is also stated that now the minor child is of 25 weeks of pregnancy.

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



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

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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.



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

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(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.

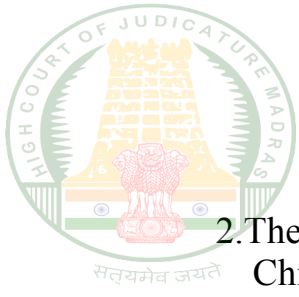
No costs.

19.06.2026

NCC:No
Ns / smn2

To

1. The Dean,
Mahatma Gandhi Memorial Government Hospital,
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D.BHARATHA CHAKRAVARTHY, J.

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