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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 04-11-2026**

CORAM

**THE HON'BLE MS. JUSTICE P.T. ASHA**

**WP No. 45532 of 2026**

CNR:{HCMA012687182026}

**AND**

**WMP NO. 51109 OF 2026**

Case QR

Xxx
Xxx

..Petitioner(s)

Vs

1. The Inspector of Police
   AWPS-Polur
   Tiruvannamalai-606 803
2. The Dean
   Department of obstetrics and Gynaecology
   Government Tiruvannamalai
   Medical college and Hospital
   Outer ring Road
   Vengikal,
   Tiruvannamalai Taluk
   Tiruvannamalai District -606604
3. The State
   rep by secretary
   Health Department
   Secretariat,
   Fort St.George,
   chennai-600 009

..Respondent(s)

PRAYER Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the 2nd respondents to facilitate medical termination of the petitioners daughter Ds pregnancy in accordance with section 5 of the Medical Termination of pregnancy Act 1971 on the basis of the opinion of the competent Medical Board.



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For Petitioner(s): Mr.Harinarayanan K

For Respondent(s): Mr. Durai Gunasekaran, Govt Advocate (Crl Side) For R1
Mr.J.V. Sakthi Baalakrishnan
Government Advocate For R2 & R3

**ORDER**

This Writ Petition has been filed for the following reliefs:-

*"directing the 2nd respondents to facilitate medical termination of the petitioners daughter Ds pregnancy in accordance with section 5 of the Medical Termination of pregnancy Act 1971 on the basis of the opinion of the competent Medical Board,"*

2. The petitioner would submit that she is the mother of the victim child, D, aged about 17 years, born on 23.08.2009. Her daughter had been in a romantic relationship with one Raja for about one and a half years, as a result of which she became pregnant. Out of fear, D did not disclose the relationship or pregnancy to her parents. Subsequently, upon noticing physical changes, including enlargement of her abdomen, the petitioner questioned her daughter, who revealed the relationship and pregnancy.

3. The petitioner would submit that, on 26.10.2026, she took D to a private hospital, where the pregnancy was confirmed, and thereafter to the Government Tiruvannamalai Medical College Hospital, where it was



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reconfirmed. On 28.10.2026, D was produced before the District Child Welfare Committee, Tiruvannamalai, and was accommodated in a Reception Home until 31.10.2026. Meanwhile, the first respondent police registered a case in Crime No. 68 of 2026 for the offences under Section 64(2)(m) of the Bharatiya Nyaya Sanhita and Sections 5(1) and 5(j)(ii) read with Section 6(1) of the POCSO Act.

4. The petitioner would further submit that D was admitted to the second respondent Hospital on 31.10.2026 and continues to remain an inpatient. Both D and the petitioner, being her natural guardian, have consented to the medical termination of pregnancy. An expert scan conducted on 03.11.2026 assessed the gestational age at approximately 28 weeks.

5. The petitioner would submit that continuation of the pregnancy against D's wishes would cause severe mental trauma, emotional distress and social stigma, besides adversely affecting her education. Further, any delay would increase the gestational age and the associated medical risks.

6. The petitioner would submit that, in view of Section 5(1) of the Medical Termination of Pregnancy Act, 1971, read with Article 21 of the Constitution of India, and the decisions of this Court in ***X v. State (Crl.O.P. No. 14506 of 2019 and W.P. No. 18043 of 2022)***, as well as the decision of the Hon'ble Supreme Court in ***S v. Union of India (SLP (C) No. 14454 of 2026),***



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this Hon'ble Court has the power to grant appropriate relief even beyond the statutory gestational limit.

7. In the above circumstances, the petitioner has approached this Court seeking a direction to the second respondent Hospital to forthwith constitute a Medical Board and a further direction to the respondents to facilitate the medical termination of D's pregnancy in accordance with law.

8. Heard the learned counsel on either side and perused the records.

9. It is brought to the notice of this Court that the minor victim has also expressed her desire to terminate the pregnancy.

10. The Hon'ble Supreme Court in the case of ***A Vs. State of Maharashtra and others in Civil Appeal No.827 of 2026***, had held that what has to be considered is ultimately the right of the minor child that is the petitioner's daughter to continue a pregnancy which is ex facie outside marriage and the child to be borne is to a woman who is a minor. The Hon'ble Supreme Court further held that where the mother did not want to bear the child her interest have to be taken note of and her reproductive autonomy must be given sufficient emphasis and the court cannot compel to complete her pregnancy. The Court had relied upon the earlier judgement of the Hon'ble Supreme Court



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in the case of ***X Vs. Health and Family Welfare Department - 2022 SCC Online SC 1321***, wherein it was observed as follows:-

> *" The right to reproductive autonomy is closely linked with the right to bodily autonomy. As the term itself suggests, bodily autonomy is the right to take decisions about one's body. The consequences of an unwanted pregnancy on a woman's body as well as her mind cannot be understated. The foetus relies on the pregnant woman's body for sustenance and nourishment until it is born. The biological process of pregnancy transforms the woman's body to permit this. The woman may experience swelling, body ache, contractions, morning sickness, and restricted mobility, to name a few of a host of side effects. Further, complications may arise which pose a risk to the life of the woman. A mere description of the side effects of a pregnancy cannot possibly do justice to the visceral image of forcing a woman to continue with an unwanted pregnancy. Therefore, the decision to carry the pregnancy to its full term or terminate it is firmly rooted in the right to bodily autonomy and decisional autonomy of the pregnant woman."*

11. In the light of the above, though the Medical Board vide its reported dated 03.11.2026, has opined that the petitioner's minor daughter, being a teenager, faces risks both from the termination of pregnancy and from its continuation, considering the fact that the pregnancy itself has resulted from sexual assault, it would be in the interest of all concerned to terminate the pregnancy. Therefore, this Writ Petition is allowed. The second respondent is



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directed to facilitate the medical termination of the petitioner's daughter's pregnancy forthwith, in accordance with Section 5 of the Medical Termination of Pregnancy Act, 1971. No costs. Consequently, the connected Miscellaneous Petition is closed.

**04-11-2026**

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SHR

***Note: Issue the order copy today.***



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**P.T.ASHA J.**

**SHR**

To

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   Department of obstetrics and Gynaecology
   Government Tiruvannamalai
   Medical college and Hospital
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