



W.P.Crl.(MD) No.2497 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.Crl.(MD).No.2497 of 2026

and

W.P.M.P.Crl.(MD)No.731 of 2026

K. Surya

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
All Women Police Station,
Valliyoor,
Tirunelveli District.

3.XXXX

4.The Dean,
Tirunelveli Medical College Hospital,
Tirunelveli.

... Respondents

(R4 suo motu impleaded vide order dated 05.06.2026)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent not to harass the petitioner by compelling him to



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lead a matrimonial life with the third respondent under the guise of usurping her powers.

For Petitioner : Mr.R.Anand

For R1 &R2 : Mr.C.Susikumar,
Government Advocate

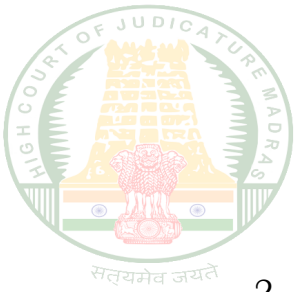
For R3 : M/s.G.Subiksha

For R4 : Mr.B.Saravanan,
Additional Advocate General,
Assisted by,
M/s.M.R.Priyanka Jothi,
Government Advocate (Civil side)

ORDER

Prologue:

The present writ petition presents before this Court a distressing narrative arising out of a failed personal relationship between two young adults. What commenced as a petition alleging police interference in the personal affairs of the petitioner subsequently unfolded into issues touching upon the bodily autonomy of an adult woman, reproductive choice, medical welfare and constitutional dignity.



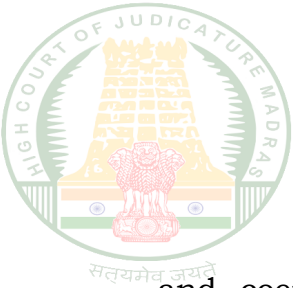
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2. During the course of proceedings, this Court was required not merely to examine the allegations of police excess, but also to address the urgent plea of the third respondent, a pregnant woman, seeking permission for medical termination of pregnancy in the backdrop of abandonment by the petitioner and her own considered decision not to continue with the pregnancy.

Factual background:

3. The petitioner is a final year B.Tech student. According to him, the third respondent, who is known to his family circle, lodged a complaint before the second respondent police alleging that he had promised to marry her and thereafter declined to do so.

4. The petitioner would allege that on the strength of the said complaint, the second respondent police compelled him to appear before the police station and thereafter forcibly made him and the third respondent stand before a temple, garlanded them and photographed them in a manner intended to create an impression that a marriage had taken place. Apprehending further harassment



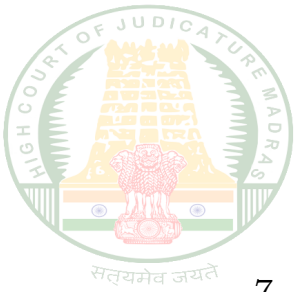
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and coercive action at the hands of the police authorities, the petitioner approached this Court seeking protection.

Proceedings before this court:

5. When the matter was listed for admission on 29.04.2026, this Court heard the learned counsel appearing on either side and directed the personal appearance of the petitioner. Accordingly, on 04.06.2026, both the petitioner and the third respondent appeared before this Court. An in-camera interaction was conducted separately and thereafter jointly.

6. During the course of interaction, the third respondent disclosed that she was carrying a pregnancy allegedly conceived during her relationship with the petitioner. Notwithstanding the pregnancy and despite repeated opportunities granted by this Court, the petitioner categorically and unequivocally expressed his unwillingness to marry the third respondent or to lead a matrimonial life with her.



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7. Recording the said stand, this Court directed the second respondent police to conduct further enquiry and place the factual position before the Court. On 05.06.2026, the third respondent filed W.M.P.(Crl.)(MD) No.731 of 2026 seeking permission to terminate her pregnancy.

8. Having regard to the medical implications involved, this Court *suo motu* impleaded the Dean, Tirunelveli Medical College Hospital, Tirunelveli, as the fourth respondent and directed the Medical College Hospital to examine the third respondent and submit a detailed report regarding her physical condition and the feasibility of termination of pregnancy.

Medical reports:

9. Pursuant to the directions of this Court, the third respondent was admitted in Tirunelveli Medical College Hospital and was subjected to comprehensive medical examination. The reports revealed that she was approximately fifteen weeks pregnant. She was also found to be suffering from severe anaemia, her haemoglobin level being 7.5 g/dL at the time of admission.



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10. A multidisciplinary medical team consisting of specialists in Obstetrics and Gynaecology, General Medicine, Anaesthesiology, Psychiatry, Cardiology and Radiology monitored her condition continuously. The fourth respondent informed this Court that blood transfusions, vitamin supplementation and corrective treatment were administered and that the haemoglobin level progressively improved.

11. Subsequent reports disclosed that the haemoglobin level had increased to 9.1 g/dL and thereafter to 11 g/dL. The learned Additional Advocate General, on instructions, submitted that the present haemoglobin level is approximately 12 g/dL and that the third respondent is medically fit to undergo medical termination of pregnancy.

Stand of the third respondent:

12. The third respondent has filed a detailed affidavit before this Court. According to her, she and the petitioner were in a consensual romantic relationship. The petitioner had allegedly



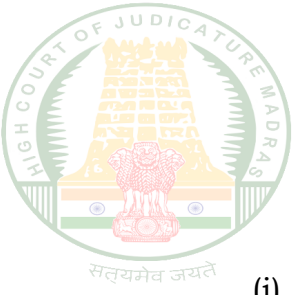
promised marriage and both of them had engaged in a consensual physical relationship.

13. Upon becoming pregnant, she would state that the petitioner gradually distanced himself and ultimately refused to continue the relationship. She has specifically asserted before this Court that she does not wish to continue the pregnancy and that compelling her to do so would expose her to severe emotional, social and psychological hardship. The third respondent has further stated that she is exercising her reproductive choice and has consciously decided that termination of pregnancy is in her best interests.

14. Heard the learned counsels on either side and carefully perused the materials available on record.

Points for consideration:

15. In the above factual backdrop, the following points arise for consideration:



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(i) Whether the third respondent, being an adult woman, is entitled to seek medical termination of pregnancy in exercise of her reproductive autonomy?

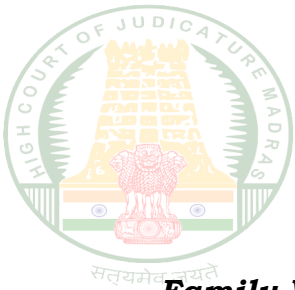
(ii) Whether the medical materials placed before this Court justify grant of permission for termination of pregnancy?

(iii) What consequential directions are required to be issued?

Legal position:

16. The Medical Termination of Pregnancy Act, 1971, as amended, recognises circumstances in which a pregnancy may be terminated by registered medical practitioners. The legislative scheme is founded upon the principles of bodily autonomy, reproductive freedom, dignity and informed choice of the pregnant woman.

17. The constitutional dimensions of reproductive autonomy have repeatedly been recognised by the Hon'ble Supreme Court as facets of personal liberty guaranteed under Article 21 of the Constitution of India. In ***X v. Principal Secretary, Health and***



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Family Welfare Department¹, the Hon'ble Supreme Court held that reproductive choice forms an inseparable component of personal liberty, bodily integrity and decisional autonomy.

18. The Hon' ble Supreme Court observed that every woman is entitled to make reproductive choices free from coercion and that such autonomy extends to the decision whether to carry a pregnancy to its full term.

19. In **Meera Santosh Pal v. Union of India**², the Hon'ble Supreme Court emphasised that the life and health of the pregnant woman constitute paramount considerations. Likewise, in **Mamta Verma v. Union of India**³, the Hon'ble Supreme Court permitted medical termination after considering the medical opinion and welfare of the pregnant woman.

20. The consistent thread running through all the above decisions is that the Court must place the autonomy, dignity,

1 (2023) 14 SCC 615

2 (2017) 3 SCC 462

3 (2018) 14 SCC 289



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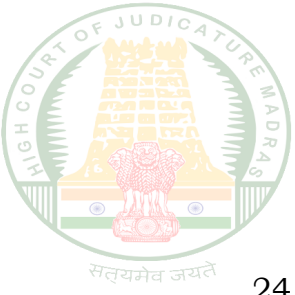
physical health and mental well-being of the woman at the centre of judicial consideration.

Analysis:

21. The third respondent before this Court is a major woman aged about twenty-three years. There is absolutely no material before this Court suggesting that her request is involuntary or the product of coercion. On the contrary, this Court had the benefit of interacting with the third respondent in person.

22. The third respondent clearly and unequivocally expressed her desire not to continue the pregnancy. The Court is not concerned in these proceedings with adjudicating the truthfulness of allegations exchanged between the petitioner and the third respondent regarding the nature of their relationship.

23. Equally, this Court is not called upon to decide questions touching upon criminal liability, if any, arising out of the relationship, since those issues are now the subject matter of investigation pursuant to registration of Crime No.51 of 2026.



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24. The sole question presently concerns the right of the third respondent to make decisions regarding her own body and reproductive future. The medical reports filed by the fourth respondent reveal that although the third respondent initially suffered from severe anaemia, corrective treatment has successfully improved her condition.

25. The fourth respondent has specifically stated that the third respondent is medically stable and that medical termination can be undertaken safely in accordance with accepted medical protocols. The opinion rendered by the multidisciplinary medical team inspires confidence and leaves no room for doubt regarding the feasibility of the procedure.

26. The third respondent has expressed her unwillingness to continue with the pregnancy. The petitioner has, before this Court, consistently maintained his unwillingness to marry the third respondent or to establish a family unit with her. In such circumstances, compelling the third respondent to continue an



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unwanted pregnancy despite her informed decision would amount to a direct intrusion into her bodily autonomy and decisional freedom.

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27. The constitutional guarantee under Article 21 does not permit such an outcome. The reproductive choice of an adult woman is entitled to the highest degree of constitutional protection. This Court is therefore satisfied that the request made by the third respondent deserves acceptance.

28. During the pendency of the writ proceedings, it has been brought to the notice of this Court that the second respondent police have registered Crime No.51 of 2026 on 04.06.2026 for the offence under Section 69 B.N.S,2023 and the petitioner has been arrested and remanded to judicial custody.

29. Once a regular criminal case has been registered and investigation has commenced, the apprehension originally projected in the writ petition regarding future coercion by the police loses significance. The legality of the FIR, investigation, arrest or remand are matters which have to be challenged before the competent forum



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in accordance with law and cannot be adjudicated in the present proceedings. Consequently, no further adjudication is required in respect of the principal relief sought in the writ petition.

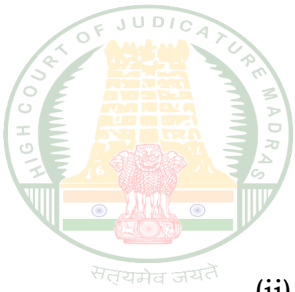
Epilogue:

30. Courts exercising constitutional jurisdiction are often required to traverse beyond conventional disputes and address human situations involving personal dignity, emotional vulnerability and difficult life choices. The present case is one such instance.

31. The law does not compel motherhood. Equally, it does not deny a competent adult woman the freedom to decide whether she wishes to continue a pregnancy. The Constitution places trust in the informed choice of the woman and recognises her autonomy as an indispensable component of dignity. This Court is therefore duty-bound to protect that choice.

32. In view of the foregoing discussion:

(i) W.M.P.(CrI.)(MD) No.731 of 2026 is allowed.



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(ii) The fourth respondent – Dean, Tirunelveli Medical College Hospital, Tirunelveli, is permitted and directed to undertake medical termination of pregnancy of the third respondent in accordance with the provisions of the Medical Termination of Pregnancy Act, 1971, as amended.

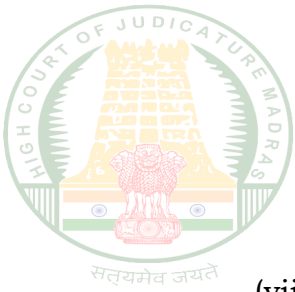
(iii) Prior to the procedure, the treating team shall obtain informed written consent from the third respondent and complete all statutory and medical formalities.

(iv) The procedure shall be carried out by qualified specialists in a duly approved medical institution under continuous supervision and in accordance with accepted medical standards and protocols.

(v) The fourth respondent shall ensure availability of blood transfusion facilities, emergency care facilities and post-procedure monitoring.

(vi) Necessary psychiatric, psychological and post-procedure counselling support shall also be extended to the third respondent.

(vii) Insofar as the writ petition is concerned, no further orders are required in view of the subsequent registration of Crime No.51 of 2026. Liberty is reserved to the petitioner to work out his remedies in the manner known to law.



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(viii) Since it has been brought to the notice of this Court that the second respondent police have registered Crime No.51 of 2026 and investigation is presently in progress, this Court is of the view that the biological material arising out of the proposed Medical Termination of Pregnancy may constitute relevant evidence for the purpose of a fair and effective investigation.

(ix) Accordingly, the fourth respondent – Dean, Tirunelveli Medical College Hospital, Tirunelveli, shall ensure that appropriate foetal tissue and such other biological samples as may be medically and scientifically required are carefully preserved at the time of the procedure in accordance with established medical protocols.

(x) Immediately upon collection and preservation of the aforesaid samples, the fourth respondent shall hand over the same under proper seal, label and documentation to the second respondent police or to the Investigating Officer concerned after maintaining complete chain of custody.

(xi) Upon receipt of the said biological material, the Investigating Officer shall take immediate steps to forward the preserved samples to the Regional Forensic Science Laboratory



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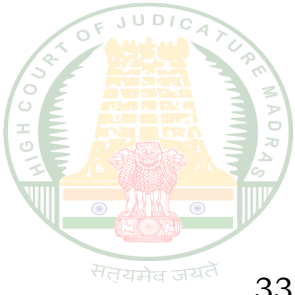
concerned for DNA profiling and such other forensic examination as may be necessary in accordance with law.

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(xii) The Investigating Officer is further directed to take appropriate steps for collection of reference biological samples from the petitioner/accused and from the third respondent, after following the procedure contemplated under the Bharatiya Nagarik Suraksha Sanhita, 2023, and other applicable statutory provisions, for the purpose of scientific comparison.

(xiii) The Forensic Science Laboratory shall, subject to the condition and viability of the samples received, conduct DNA analysis and submit its report to the jurisdictional Court as expeditiously as possible, within a period of 60 days from the date of receipt of copy of this order.

(xiv) It is made clear that this Court has not expressed any opinion whatsoever regarding the paternity of the foetus or the merits of the criminal case and all issues shall be decided independently by the competent Court on the basis of evidence and in accordance with law.



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33. With the above directions, the Writ Petition is disposed of.

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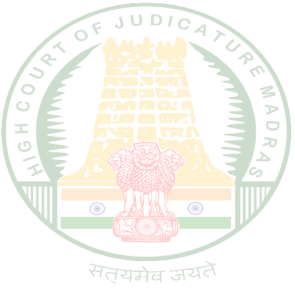
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Note: Issue order copy on 15.06.2026.

To

- 1.The Superintendent of Police,
Tirunelveli District.
- 2.The Inspector of Police,
All Women Police Station,
Valliyoor,
Tirunelveli District.
- 3.The Dean,
Tirunelveli Medical College Hospital,
Tirunelveli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Regional Forensic Science Laboratory,
Tirunelveli.

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L.VICTORIA GOWRI, J.

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