

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

CIVIL WRIT PETITION NO. 14024 OF 2023

X

...Petitioner

Versus

The State of Maharashtra,
through Principal Secretary,
Public Health Department

...Respondent

Ms. Snehal Chaudhari for the Petitioner

Ms. M. P. Thakur, A.G.P for the Respondent-State

CORAM : REVATI MOHITE DERE &

GAURI GODSE, JJ.

(IN CHAMBERS)

WEDNESDAY, 8th NOVEMBER 2023

(THROUGH VIDEO CONFERENCING)

P.C :

1 By this petition, the petitioner, a minor aged 14 years,
a victim of sexual assault, seeks termination of her pregnancy,
which is about 29 weeks.

2 Considering the urgency, we directed Dr. Vaishampayan Memorial Government Medical College, Solapur to forthwith constitute a Medical Board, in terms of the Medical Termination of Pregnancy (Amendment) Act, 2021 r/w the Medical Termination of Pregnancy Act, 1971, in order to enable them to examine the petitioner and to submit a report.

3 Accordingly, the matter was kept today at 2:30 p.m, to enable the Medical Board of the said Hospital to submit the report. Ms. Thakur, learned A.G.P tendered the report in a sealed envelope. We have opened the envelope and perused the report. In clause (4) of the report, it is stated that, *`For mother in future pregnancy, chances of complications are more likely'.* In clause (5), it is stated that, *`If patient requires surgical intervention, she becomes a High Risk Case of hysterectomy. So, in the next pregnancy, She can have chances of Uterine Scar dehiscence. Scar*

rupture.’ In clause (3), it is stated that, ‘The gestational age is 29 Week 1 day, and so, there are chances of survival of fetus requiring NICU admission and management.’

4 Considering what is stated in clauses (4) and (5), we kept the matter in Chambers at 4:30 p.m. today, to interact with the concerned doctor. The concerned doctor submits that there is a likelihood that petitioner may have complications in her future pregnancy and that she may not be even able to conceive a child.

5 We have also heard the parents of the petitioner through WhatsApp of the learned counsel for the petitioner. The doctor’s view is explained to them. In view of the same, they state that they do not wish to proceed with the petition. Accordingly, learned counsel for the petitioner seeks leave to withdraw the petition.

6 At this stage, Dr. Pawar of Dr. Vaishampayan Memorial Government Medical College, Solapur, states that they will admit the petitioner in their hospital and take care of the petitioner till she delivers and that all possible assistance will be given to her. He further states that in the event, the petitioner does not want the child, appropriate steps will be taken for child's adoption.

7 Learned A.G.P states that the process for monetary compensation under Manodhairya Scheme will be initiated and the interim payment of Rs. 30,000/- will be transferred to the petitioner's account, as expeditiously as possible. Learned A.G.P also assures that all psychological help/counselling will be made available to the petitioner and her parents, presently and post delivery of the petitioner. Statements accepted.

8 In view of the aforesaid, nothing survives for further consideration in the petition. Petition stands disposed of as withdrawn.

9 List on **1st February 2024** to enable the learned A.G.P to place on record, the steps taken by the Government with respect to the compensation under Manodhairya Scheme and Counsellor given to the petitioner and her parents and also with respect to the status of the child.

10 All concerned to act on the authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.