



\$~105

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 2200/2024**

MINOR S THROUGH HER MOTHER

.....Petitioner

Through: **Mr. Archit Upadhyay, Advocate with
Petitioner in-person.**

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: **Mr. Rahul Tyagi, ASC (CRL) with
Mr. Sangeet Sibou, Mr. Jatin, Ms.
Priya Rai, Mr. Mathew M. Philip and
Mr. Abhishek Tomar, Advocates for
the State.
SI Sonia, PS Defence Colony**

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% 24.07.2024

CRL.M.A. 21536/2024 (Exemption)

Allowed, subject to all just exceptions.

W.P.(CRL) 2200/2024

1. The Petitioner, who is a minor girl of about 14 years of age, has approached this Court seeking a direction to permit her to terminate her pregnancy under the Medical Termination of Pregnancy Act, 1971.
2. The Petitioner had approached the AIIMS, New Delhi, for termination of her pregnancy. A report dated 15.07.2024 from the AIIMS has been received and the same reads as under:



ALL INDIA INSTITUTE OF MEDICAL SCIENCES
Ansari Nagar, New Delhi – 110029

F.2-92/Medical Board/2024-Estt.(H.)

Dated: 15.07.2024

Subject: Report of the medical board constituted at AIIMS for medical examination of Child Victim 'S' in compliance of order dated 09.07.2024 of Child Welfare Committee (District South), Bench of Magistrates U/s 27(9) of J.J. Act 2015, Kasturba Niketan, Lajpat Nagar-II, New Delhi-110024 vide CWC Case No. 359/2024 in Case FIR No. 73/2024 dated 05.07.2024, U/s 363 IPC, P.S. Defence Colony, New Delhi.

Details of the woman seeking termination of pregnancy:

1. Name of the woman: Ms. 'S'
2. Age: 14 Years.
3. Registration/ Case Number: UHID – 107648255.
4. **Additional review done at AIIMS:**

S. No.	Investigations done	Key Finding.
1.	Ultrasound done at AIIMS on 13.07.2024.	Ultrasonography suggest: • Single live intra uterine fetus of 24 weeks 4 days POG. Estimated Fetal Weight -649 grams • No e/o gross congenital anomaly.

5. Opinion by Medical Board for termination of pregnancy:
 - a) Allowed (yes).
 - b) Denied ().

Justification for the decision: The baby at present does not have any malformations as detectable on Ultrasonography. The baby has 20-30 % chances of survival at this gestational age. Also, there is a high risk of adverse long -term neurodevelopmental outcomes, including cerebral palsy if the baby survives. The fetus needs to be given intrauterine, intracardiac KCl instillation to stop the fetal heart before the MTP. The petitioner seems to be medically fit to undergo the procedure. Sample of DNA test to be collected.

The fetus should be handed over to IO for DNA analysis if required.

6. Physical fitness of the woman for the termination of pregnancy:
 - a. Yes (✓).
 - b. No ().

Member of the Medical Board who reviewed the case:-

S. No.	Name	Signature
1.	Dr. J. B. Sharma Professor, Deptt. of Obs. & Gynae	
2.	Dr. Manisha Jana Professor Deptt. of Radio-diagnosis	
3.	Dr. M. Jeeva Sankar Addl. Professor, Deptt. of ^{Pediatrics} Psychiatric	
4.	Dr. Deepali Garg Professor, Deptt. of Obs. & Gynae	
5.	Dr. Anupama Raina Sr. Scientist, JPNA Trauma Centre	
6.	Dr. Renu Sharma Child Psychologist, Deptt. of Psychiatry	
7.	Dr. Pallavi Shukla Deptt. of Hospital Administration	

Date and Time: 15.07.2024 at 10:30 a.m

3. A perusal of the abovementioned opinion shows that the medical Board of the AIIMS has allowed the termination of the pregnancy of the



Petitioner. The Board was of the opinion that there is a high risk of adverse long-term neurodevelopmental outcomes, including cerebral palsy, if the baby survives the delivery at this stage.

4. Dr. J. B. Sharma, Professor, Department of Obs. & Gynae, AIIMS, and the learned Counsel for the AIIMS, have joined the proceedings through Video Conferencing.

5. Though the duration of the pregnancy of the Petitioner has exceeded the time limit prescribed under the MTP Act but keeping in mind the fact that the Petitioner is a victim of offences under Section 376 IPC read with Section 6 of the POCSO Act and in view of the opinion of the Medical Board of the AIIMS, this Court is inclined to permit the termination of the pregnancy of the Petitioner herein in the mode and manner as suggested by the AIIMS.

6. The Writ Petition is disposed of with these directions, along with the pending applications, if any.

7. Let this Order be given *Dasti* under the signatures of the Court Master.

SUBRAMONIUM PRASAD, J

JULY 24, 2024

Rahul