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

+ **W.P.(CRL.)2791/2024, CRL.M.A.27315/2024**

**MINOR N THR HER FATHER**

.....Petitioner

Through: Mr. Anwesh Madhukar, Advocate  
(DHCLSC) with Ms. Prachi Nirwan,  
Advocate with petitioner in person.

versus

**STATE NCT OF DELHI AND ORS.**

.....Respondent

Through: Mr. Yasir Rauf Ansari, Ld. ASC with  
SI Ruby, P.S. Inderpuri.  
Ms. Arunima Dwivedi, Ld. CGSC  
with Ms. Pinky Pawan and Mr.  
Aakash Pathak, Advocates.

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

**09.09.2024**

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1. A Writ Petition under Article 226 of Constitution of India read with Article 21 and Section 528 BNSS has been filed on behalf of the petitioner with the prayer that the respondent No.3 be directed to form a Medical Board comprising of not less than 2 registered Medical Practitioners to submit an opinion qua the medical termination of pregnancy of the petitioner as warranted under Section 3(2) (b) of The Medical Termination of Pregnancy Act, 1971 and also to further direct the respondents to terminate the pregnancy of the petitioner who is a minor and is a victim of rape. Further directions are sought that on termination of pregnancy, foetus be



preserved for the purpose of DNA which would be required for criminal trial in the FIR.

2. Learned counsel for respondent No.1 and 4 submits that the Medical Board has already been constituted and the Report is likely to be made available today.
3. The Report be filed.
4. List at the End of the Board.

**NEENA BANSAL KRISHNA, J**

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5. The matter is again taken up at 05:10 P.M.
6. The I.O has submitted that the Report has been received from the Medical Board, which be taken on record. The Medical Board has permitted the MTP with the observation that “continuation of pregnancy is likely to adversely affect the mental and physical health of the child in consideration”.
7. The interaction has been done separately with the Prosecutrix in the Chamber.
8. The I.O has also informed that the Officers of CWC had also counselled the child as well the mother and had explored the possibilities in regard to the MTP. Vide Order dated 02.08.2024 it was held by the CWC that MTP is desirable in the best interest of the child.
9. After consideration of totality of circumstances and also the Report of the Medical Board received from the DDU Hospital, Hari Nagar, the petition



is allowed and the medical termination of pregnancy of the prosecutrix is hereby allowed to be undertaken as early as possible preferably within two days considering the gestational period of the foetus.

10. It is directed that the name of the prosecutrix be not reflected in any of the medical or other documents prepared in this regard.

11. It is also directed that the foetus be preserved and be sent to FSL for ascertaining the DNA of the child.

12. Copy of the Order be given dasti under the signatures of Court Master.

13. Copy of the Order be sent directly to Medical Superintendent, DDU Hospital, Hari Nagar, Delhi for compliance.

14. The petition stands disposed of along with the pending application.

**NEENA BANSAL KRISHNA, J**

**SEPTEMBER 9, 2024/va**