

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14947 OF 2025

XYZ through Guardian Father ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

Ms. Divya Kakkar h/f. Ms. Swapana Kode, for the Petitioner.
Mr. Aditya Deolekar, AGP, for the Respondent-State.

CORAM: MANJUSHA DESHPANDE, J.

DATED: 31st OCTOBER 2025.

(VACATION COURT)

PC:-

1. The Petitioner, who is a minor and a rape victim, is seeking directions for termination of pregnancy under Section 3 (2)(b) and Section 5 of the Medical Termination of Pregnancy Act, 1971, on such terms and conditions, as this Court may deem fit in the interest of justice.

2. It is stated that, the Petitioner is a minor and an unmarried girl residing with her parents. As a result of rape, an offence came to be registered at the Powai, Police Station on 17th October 2025 under Sections 64(2)(m) and 65(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 as well as Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012. It is submitted that, the Petitioner realized belatedly that, she is

carrying a pregnancy of 26 weeks and 4 days. Being a minor, she does not want to continue with the pregnancy. Hence, she has approached this Court. The Petitioner has added the State of Maharashtra, through Principal Secretary, Public Health Department, Mantralaya, Mumbai-23, as a party-Respondent. The learned Advocate for the Petitioner places on record copy of the FIR, which is marked as 'X' for identification.

3. The learned AGP for the Respondent-State submits that, in order to facilitate the grant of relief to the Petitioner, the Petitioner will have to add the Grant Government Medical College and Sir J.J. Group of Hospitals, JJ Marg, Nagpada, Mumbai, Maharashtra, as well as the Investigating Officer in FIR No.1081 of 2025 dated 17th October 2025 of Powai Police Station, Mumbai, as party Respondents. The Advocate for the Petitioner to carry out necessary amendment forthwith.

4. In view of the facts of the case of the Petitioner, the Dean, Sir J.J. Group of Hospitals, Mumbai, is directed to constitute a Medical Board in terms of Section 3 of the Medical Termination of Pregnancy Act, 1971 read with Medical Termination of Pregnancy (Amendment) Act 2021, for medical examination of the Petitioner.

5. The Petitioner shall appear before the Board 11: 00 a.m. in the morning and she shall be escorted, alongwith her guardian, by the Investigating Officer of the Powai Police Station from the Vatsalya Shelter Home, Kanjurmarg (East), Mumbai, to the Sir J.J Hospital. The Medical Board so constituted, after examining the Petitioner on 3rd November 2025, shall submit its report to this Court on 6th November 2025.

6. List the matter for further consideration on 6th November 2025.
7. Parties to act on an authenticated copy of this Order.

(MANJUSHA DESHPANDE, J.)