

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

WRIT PETITION NO.14947 OF 2025

XYZ

Through Guardian Father

XYZ

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Ms. Swapana P. Kode, Appointed Advocate (through Legal Aid) a/w
Ms. Divya Kakkar for the Petitioner

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

***CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.***

DATE : 6th NOVEMBER 2025

P.C. :

1. This petition has been filed by the prosecutrix a minor, aged about 15 years and 7 months, through her father. The petitioner, a victim of sexual assault, seeks termination of her pregnancy which is of 27 weeks.

2. Vide order dated 31st October, 2025, the Vacation Court had directed the Dean, Sir J.J.Hospital, Mumbai, 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 examining the petitioner. The petitioner was directed to appear before the Medical Board, so constituted and after examination the Medical Board was directed to submit its report today i.e. 6th November 2025.

3. Post petitioner's examination, the Medical Board has submitted its report to this Court today i.e. 6th November 2025 in a sealed envelope. The said envelope is opened. The said Medical Report is taken on record. The Medical Board has opined as under:-

“COMMITTEE OPINION

On detailed review of the clinical records, ultra-sonographic findings, psychiatric, paediatric and psychological evaluation, anesthetist and physician fitness reports, it is noted that the Petitioner is minor (age 15 years) the obstetric USG Suggestive of pregnancy of gestational age of 27.4 weeks with no gross lethal congenital anomaly.

This medical board is not empowered to give opinion on termination of this pregnancy as it is beyond 24 weeks of gestation age & there is no congenital anomaly. However, if the honorable court is of view that continuation of pregnancy would have grave anguish to the petitioner while continuing an unwanted pregnancy, the Honorable court may consider permitting termination of pregnancy at

any government recognized Centre of choice of petitioner with directives to that effect.”

4. The petitioner is a minor aged 15 years and 7 months and a victim of sexual assault. Presently, she is 27 weeks pregnant. Admittedly, the petitioner’s mother had lodged an FIR, which was registered with the Powai Police Station, Mumbai, vide C.R. No.1081 of 2025, alleging offences punishable under the Bharatiya Nyaya Sanhita, 2023 (‘BNS’) as well as under the provisions of Protection of Children from Sexual Offences Act (‘POCSO Act’). In the opinion, the doctors have mentioned that “there is no gross lethal congenital anomaly”. Thus, the Medical Board has not ruled out any anomaly. The Medical Board has further opined that continuation of pregnancy would result in grave anguish to the petitioner while continuing an unwanted pregnancy and that the Court may consider permitting termination of pregnancy to the petitioner at any government recognized Centre of the petitioner’s choice.

5. We are informed that the petitioner is presently studying in the 10th Standard and wants to appear for her matriculation exam, which is scheduled to be held in March 2026. The opinion of Dr. Mujahid Shaikh, Assistant Professor, Department of Psychiatry, shows that the petitioner who was subjected to non-consensual sexual intercourse by her neighbour, which lead to her pregnancy, is of a young age and that she would not be in a position to take care of the baby emotionally, financially and socially. It is further stated that she is Borderline intellectual functioning (IQ - 80) and continuation of her pregnancy would pose great risk of depression, anxiety, post traumatic stress and disruption of psychological development. Infact Dr. Mujahid Shaikh has further stated that the petitioner will require emotional support and counselling. Ms. Zainab Khan, (Clinical Psychology, Department of Psychiatry) has opined that the petitioner is Borderline IF and that children with borderline IF have slow mental processing; that they also have underdeveloped planning and problem solving skills and that this leads to emotional blockages, maternal dependence and lack of problem solving skills and immaturity. We are

also informed that the petitioner's parents are labourers. Both, the petitioner's parents i.e. her mother and father have tendered their affidavits giving their consent to terminating their daughter's pregnancy. Both the said affidavits are taken on record.

6. Apart from what is stated aforesaid and considering the medical report of the petitioner, we deem it appropriate to permit the petitioner who is victim of sexual assault, to terminate her pregnancy.

7. At this stage, learned appointed advocate for the petitioner states that the petitioner would like to get her MTP done in Sir J.J.Hospital, Mumbai. She further states that the petitioner will get herself admitted either today or tomorrow to the Sir J.J.Hospital, Mumbai, so as to enable the doctors to perform her MTP, after proper check-up. The hospital authorities shall conduct necessary medical procedure expeditiously, keeping in mind the petitioner's health and safety.

8. The petitioner shall be given all necessary assistance, including psychological counselling, both before and after the procedure, as may be required.

9. In the event the child is born alive, the hospital shall ensure that all necessary medical facilities, including admission in the Neonatal Intensive Care Unit (NICU), are provided, and the costs thereof shall be borne by the State Government. In the event the child survives, the State Government to take all steps to ensure the welfare and well-being of the child.

10. The Hospital Authorities to preserve the appropriate tissue/DNA sample of the fetus/child after its birth and forward the same to the investigating officer for ensuring criminal trial.

11. The State Government is directed to process the compensation under its 'Manodhairya Scheme' and disburse the amount receivable by the petitioner expeditiously. At this stage, learned A.G.P. states that the petitioner's case will be placed before the

Committee, after which interim compensation will be decided by the Committee. Accordingly, the papers of the petitioner's case to be placed before the Committee, at the earliest, so that interim compensation can be disbursed to the petitioner, who is a victim of sexual assault.

12. The petition is accordingly allowed in the aforesaid terms.

13. The matter be listed for compliance on **20th November 2025**.

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

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.