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

+ **W.P.(CRL) 1015/2025**

MINOR P (THR. MOTHER R)

.....Petitioner

Through: Mr. Anwesh Madhukar, Advocate on the panel of Delhi High Court Legal Services Committee with Ms. Prachi Nirwan & Mr. Ishat Singh, Advocates along with the Mother of the Victim.

versus

STATE & ANR.

.....Respondents

Through: Mr. Anmol Sinha, Additional Standing Counsel & Mr. Kshitiz Garg, Mr. Ashvini Kumar & Mr. Nitish Dhawan, Advocates.
Mr. Satya Swain, Panel Counsel for AIIMS with Dr. Vidhushi Kulshrestha, Department of Obst & Gynaecology, AIIMS.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

02.04.2025

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1. The present Writ Petition (Crl.) under Article 226 of the Constitution of India and Section 528 of The Bhartiya Nagrik Suraksha Sanhita, 2023 read with Section 482 Cr.P.C. has been filed on behalf of the Petitioner seeking issuance of an appropriate writ directing Respondents No.1 & 2 to medically terminate the pregnancy of the Petitioner.

2. From October-November, 2024 the accused Rafiq, known to



the Petitioner's parents for the past 3-4 years, exploited the acquaintance to commit sexual assault upon the Petitioner. Under the false pretext of offering sweets, he perpetrated the first instance of sexual assault and thereafter, issued criminal threats of killing her if she disclosed the incident. Consequently, the accused continued to repeatedly rape the Petitioner by deceitfully isolating her under various pretexts.

3. On 25.03.2025, on Petitioner's prolonged experience of abdominal pain and noticeable abdominal distension, she was taken by the mother to the local Ultrasound Clinic. On examination, it was found that she was pregnant.

4. On the same day, Petitioner's mother got the FIR No.209/2025 under Section 65(1), 351(3) BNSS read with Section 6 of POCSO Act, registered. The MLC of the Petitioner was prepared on the same day and she was found to be 23+1 weeks pregnant.

5. The IO produced the Petitioner before CWC on 27.03.2025 whereby Orders were passed qua her short term placement in Prayas Home for girls and further directed the IO to approach this Court for obtaining Orders qua Medical Termination of Pregnancy. Hence, the present Petition has been filed.

6. This Court on 28.03.2025 directed the Medical Board to be constituted in AIIMS to give a detailed Report in respect of physical and mental well being of the Petitioner and also the feasibility of termination of pregnancy by 01.04.2025. The Reports from AIIMS were submitted on 01.04.2025 and adjournment was sought for submitting further detailed Reports. The matter accordingly got listed



today i.e. 02.04.2025.

7. Learned counsel for AIIMS submits that no further detailed Reports are being submitted on behalf of AIIMS Hospital, but the concerned doctor is available on V.C to give the report.

8. Dr. Vidushi Kulshreshtha has joined the proceedings through VC and has submitted that since the last LMP of the Petitioner is not known, on the Ultrasound assessment, it is found that the gestational period is around 23 weeks and 4 days which is within the time frame provided under the MTP Act. The victim has already been admitted and the preparation has been done and only the Orders of the Court are awaited for MTP.

9. It is further submitted that the child is physically weak and suffers from anaemia and has expressed that she is not mentally and physically equipped to carry the pregnancy to its full term. She has reiterated that the pregnancy be terminated.

10. The mother of the Petitioner is present in Court who also submits that she had a talk with her daughter who has expressed her disinclination to continue with the pregnancy. She also submitted that it would be in the interest of the Petitioner, if the pregnancy is terminated.

11. Dr. Vidushi Kulshreshtha has further informed that though there is no deformity detected in the Ultrasound of the foetus, but the Petitioner herself is not inclined to carry the pregnancy. Moreover, this is within the period of 24 weeks within which the pregnancy can be terminated.

12. Considering the totality of the circumstances as narrated above,



the pregnancy is directed to be terminated forthwith in accordance with law.

13. The foetus be preserved and be handed over to the IO for the DNA assessment/FSL examination.

14. It is also directed that the expenditure of Medical Examination shall be borne by the State. It is also directed that whatever post operative care is required including her medicines and nutrition, shall also be borne by the State.

15. Petition is accordingly disposed of.

NEENA BANSAL KRISHNA, J

APRIL 2, 2025

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