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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2151/2025

PJ

.....Petitioner

Through: Mr. Jitendra Kumar Jha, Mr.
Bhagwan Jha and Ms. Shobhana
Aggarwal, Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC for
the State with SI Ankit Sagar, PS
Neb Sarai.

Ms. Aarushi Singh, Mr.
Ashutosh Kumar Tiwari and Ms.
Riya Parihar, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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15.07.2025

CRL.M.A. 20109/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition is filed by the petitioner seeking direction to the Investigating Officer ('IO') in the FIR 278/2025 dated 25.06.2025, registered at Police Station Neb Sarai for the offences under Sections 376/506/323/34 of the Indian Penal Code ('IPC'), 1860, to ensure that the petitioner is immediately examined and her foetus is preserved for the purpose of DNA sampling which may be required in regard to further proceedings in the aforesaid FIR.
4. The FIR was registered on an allegation that the accused persons had established forceful physical relations with the victim. It is alleged that the petitioner got pregnant due to the alleged act. The petitioner is stated to be 11-12 weeks pregnant.
5. The learned counsel for the petitioner submits that the petitioner being a major does not require any permission to



terminate her pregnancy.

6. He further submits that the foetus has to be preserved for the purpose of further proceedings in the present FIR.

7. The petitioner is essentially concerned that the hospital due to the pendency of the present case will not allow termination of the pregnancy as well as preservation of the foetus.

8. The learned Additional Standing Counsel for the State, on instructions, states that the police has no objection with regard to the termination of pregnancy as long as the foetus is preserved for further investigation of the present case. It is not disputed that there is no impediment in the termination of pregnancy under the Medical Termination of Pregnancy Act, 1971.

9. Considering the above, the Medical Superintendent, Safdarjung Hospital is directed to examine the petitioner and carry out the procedure on the strength of the present order. The Medical Superintendent is also directed to preserve the foetus for purpose of DNA testing, that may be required for future reference in the present case. Needless to state, the concerned hospital/attending doctor shall conduct the procedure for termination of the pregnancy after ensuring that the same is safe and medically permitted.

10. The IO is also directed to facilitate the process of termination of pregnancy of the petitioner by coordinating with the Medical Superintendent, Safdarjung Hospital, and to make sure that the foetus is preserved as per the procedure.

11. The present petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

JULY 15, 2025/dv