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

+ **W.P.(CRL) 2888/2025**

MINOR V THR MOTHER S

.....Petitioner

Through: **Mr. Anwesh Madhukar, Adv.**

versus

STATE GOVT OF NCT OF DELHI & ANR.Respondents

Through: **Mr. Yasir Rauf Ansari, ASC with
Mr. Alok Sharma, Adv.**

W/ASI Suman Lata PS BHD Nagar

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

% 11.09.2025

1. Through the present petition, the petitioner seeks direction to respondent nos. 1 and 2 to medically terminate the pregnancy of the petitioner.
2. By orders dated 09.09.2025 and 10.09.2025, the Medical Superintendent, Deen Dayal Upadhyay Hospital was directed to examine the petitioner after constituting an appropriate Medical Board. The Deen Dayal Upadhyay Hospital was also directed to assess the physical and mental well-being of the petitioner for the purpose of termination of pregnancy.
3. The report of the Deen Dayal Upadhyay Hospital has been handed over in Court today.
4. After assessing the physical and mental state of the petitioner, it is opined that the termination of the pregnancy can be carried out with the



usual risk associated with the legal abortions at this gestational age.

5. Undisputedly, the petitioner is 17 years of age and is a rape victim.

6. Considering the age of the petitioner and the mental and physical trauma which she would have undergone pursuant to the heinous crime being committed upon her, I am of the opinion that the pregnancy caused to the petitioner on account of the sexual assault would permanently scar her psyche and would cause grave and irreparable harm to her physical and mental health.

7. Undoubtedly, the Medical Termination of Pregnancy Act, 1971, empowers the foetus to be terminated up to the 24th week of pregnancy, however, the Courts have recognised that the High Courts exercising power under Article 226 of the Constitution of India, in exceptional circumstances, can sanction the termination of pregnancy in appropriate cases. The present case, in the opinion of this Court, falls in such category where the pregnancy should be allowed to be terminated.

8. In view of the above, the present writ petition is allowed and the Deen Dayal Upadhyay Hospital is directed to ensure that the procedure for termination of the pregnancy of the petitioner is performed at the earliest.

9. The petitioner is permitted to get herself admitted in the Deen Dayal Upadhyay Hospital today itself on the strength of the present order.

10. The Deen Dayal Upadhyay Hospital is directed to comply with the order on the strength of the copy of the order signed by the Court Master.

11. Needless to say, during the procedure for termination, if the hospital/ attending Doctor is of the opinion that there is a risk to the life of the petitioner, he would be at discretion to cancel the procedure for termination of pregnancy.



12. Deen Dayal Upadhyay Hospital is also directed to preserve the foetus for the purpose of DNA testing that may be required for future reference in the criminal case.
13. The cost of the procedure, if any, is directed to be borne by the State.
14. The petition is allowed and disposed of in the aforesaid terms.
15. *Dasti* under signature of the Court Master.

AJAY DIGPAUL, J

SEPTEMBER 11, 2025
gs/yr