

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2322 OF 2026

XYZ .. Petitioner

Versus

The State of Maharashtra & Anr. .. Respondents

...

Ms Afreen Khan i/by Meenaz Kakalia, for the Petitioner.

Ms M. P. Thakur, AGP, for the Respondent-State.

...

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.

DATED : 18th FEBRUARY, 2026

P.C:-

1. The Petitioner, XYZ is a 31 year old woman, carrying approximately 22 weeks of pregnancy.

She has approached this Court seeking permission to terminate the pregnancy, in the wake of the fact that, the pregnancy being over 20 weeks, when she was desirous of terminating the same, she faced difficulty as no registered Medical Practitioner expressed willingness to perform the procedure.

It is the specific pleaded case of the Petitioner that she desire to terminate the pregnancy, which is unwanted by her, and apart from this, she is neither financially, emotionally, physically or mentally in a position to continue with the pregnancy and raise the child. She is an unmarried woman and is also worried about the consequences of giving birth to a child and is apprehensive of the social stigma she may suffer if

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she give birth to a child. Thus, in short, she intend to exercise her discretion in not giving birth to the child, as the child is born out of an unwanted relationship, which was established once when she visited her village in Jharkhand.

2. On hearing the learned counsel for the Petitioner and on perusal of the pleadings, we are of the view that since the Petitioner has crossed 20 weeks of pregnancy, and though she desire to terminate the same, the relief can be considered only when we have a report before us of her examination by the Medical Board constituted for the purpose of terminating the pregnancy under the Medical Termination of Pregnancy (MTP) Act, 1971 (for short "the MTP Act"). Since she is presently stationed in Pune, we direct her to approach B.J. Government Medical College and Sassoon General Hospital, Pune, for her medical assessment.

3. We direct the Dean of the College to constitute the Medical Board as per Section 3(2D) of the MTP Act, which shall comprise of a Gynecologist, a Pediatrician and a Radiologist, and on examining the woman, on she presenting herself before the Board, the report shall be produced before us.

Ms Thakur, learned AGP shall communicate this order to the Dean of the Sassoon General Hospital, who shall implement the above directions forthwith.

Re-notify to **23.02.2026**.

To be listed on the Supplementary Board.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)

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