

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3611 OF 2026**

X. Y. Z.

.. Petitioner

Versus

Maasaheb Meentai Thakre
Hospital Nerul & Ors.

.. Respondents

...

Mr. Sarvesh S. Deshpande a/w Mr. Tejesh Dande, Mr. Bharat Gadhvi, Mr. Prathamesh Deshpande and Mr. Pratik Sabrad, for the Petitioner.

Ms Anjali Neel Helekar, for Respondent No. 2.

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

...

**CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.**

DATED : 18th MARCH, 2026

P.C:-

1. At the outset, the learned counsel for the Petitioner seek leave to amend the title cause of the Writ Petition to include the State of Maharashtra, through the Principal Secretary of the Public Health Department. In addition, he is also desirous of amending the description of the Petitioner, she being a minor, and hence to be represented by her father, as he has affirmed the Petition.

We permit the necessary amendment to be carried out forthwith.

Re-verification is dispensed with.

2. The minor girl XYZ, aged 14 years 9 month, through her

father has approached this Court, seeking permission to terminate her pregnancy of 25 weeks and 7 days (26 weeks), pursuant to the medical examination undergone by her in Respondent No. 1-Hospital.

The Petition proceed to state that the minor girl was residing with her parents and assist her parents in delivering clothes to the customers after ironing them. According to the Petitioner-father, when they visited the native place, one of the relatives noted that her belly was protruding and requested her mother to visit a hospital and to get a medical checkup done. It is for the first time on 13.03.2026, it was revealed that she was carrying a pregnancy of 25 weeks and 3 days.

The minor girl though missed her menses, did not disclose this to her parents, and it is only when the pregnancy was disclosed, she narrated as to how the accused had sexually assaulted her and threatened her not to disclose the incident to anyone, or else she and her parents will face danger to their lives.

Based upon the said complaint, an offence was registered under the relevant provisions of Bhartiya Nyaya Sanhita, 2023 and Sections 4, 6 and 8 of the Protection of Children from Sexual Offence (POCSO) Act, 2012 with C.B.D. Belapur Police Station on 12.03.2026.

3. The Petition proceed to state that the minor girl belong to a lower income group family and is not affluent and mature. In the background facts, it is pleaded that the pregnancy will cause her unnecessary harassment and will also cast a social stigma, as she is unmarried, and even if the baby is born alive,

she may not be able to care for the child and would be required to give the child born to adoption agencies.

4. It is in these circumstances, claiming the autonomy of reproductive rights and a choice, which is recognized time and again, whether to give birth to a child and the the right to access safe and legal abortions, coupled with the right to reproductive healthcare, a relief is sought to produce the report as to whether the termination of pregnancy is possible, and upon such report of the expert committee being obtained, XYZ may be permitted to terminate the forced pregnancy, as she is a minor and she do not desire to give birth to a child.

5. The minor girl is examined in the Navi Mumbai Municipal Corporation Hospital, but since we are informed by learned AGP, Mrs. Thakur, that the facility of Board to assist whether the pregnancy can be permitted to be terminated is not available in that Hospital and, therefore, we deem it appropriate to direct the minor girl to be referred to Civil Hospital, Thane.

6. Upon the Petitioner with the minor girl reporting to the Civil Hospital, Thane, she shall be examined by the Committee constituted for termination of pregnancy, which definitely shall include the medical experts in terms of the directions of the Apex Court.

7. It is suggested by the learned AGP that if the minor girl visits the Civil Hospital, Thane, today in the afternoon, her medical examination shall be carried out today itself, or else, if for some reason it is not possible, the examination can be carried on 19.03.2026 or on 20.03.2026.

8. On examination of XYZ, the report of her medical examination shall be placed before us on **21.03.2026**, as we would like to conduct the special sitting for this case at **11:00 a.m.**

Since the learned counsel for the Petitioner is present alongwith the Petitioner and the order is passed in presence of Mrs. Thakur, learned AGP, she shall communicate the order orally to the Hospital, without waiting for the authenticated copy of the order being available, so that necessary steps shall be initiated. Similarly, the Petitioner shall take the girl to the Hospital, as directed above.

List on **21.03.2026**.

The learned AGP shall produce the Report of medical examination in sealed envelope.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)

Digitally
signed by
RUSHIKESH
VISHNU
PATIL
Date:
2026.03.18
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Rushikesh