



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3772 OF 2026

XXY

Vs.

Union of India and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Ms Soniya Gajbhiye, Advocate for the petitioner/s
Mr. P.P. Pendke, AGP for the respondent/State
Mr. Kartik Shukul, DSGI a/b Mr. Gaurav Khatwani, Advocate for the
respondent/Union of India

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 05.05.2026

P.C.:

1. Heard.

2. By way of present petition, a prayer is made for permission to terminate the pregnancy of the petitioner, who is a minor girl of 16 years and 11 months. She is allegedly sexually exploited by one Pawan Deonath Ghangaon, who is the resident of the same village. In this regard, a First Information Report was also registered on 18.04.2026 with Police Station Pinjar, Tah.: Barshitakli, District : Akola vide Crime No.237 of 2026.

3. The petitioner is with 26 weeks 4 days of pregnancy on the date of her examination by the Medical Board on 04.05.2026.

4. The report, which was called from the Medical Board

as per the order dated 04.05.2026, states as under:

“After examination of health condition of victim she is fit to continue the pregnancy till term (9 months). Although by any means patient wants her pregnancy to be terminated, she may undergo methods of termination of pregnancy (including operative procedure) with informed high risk consent of victim and her relatives. There is a potential risk and complications during and after procedures of termination of pregnancy to mother and fetus and during procedures and methods of termination of pregnancy circumstantial possibilities of life threatening complications cannot be ruled out.”

5. The Child Welfare Committee, Akola, in its letter dated 27.04.2026 signed by its members, discloses the fact that the petitioner and her mother wish to terminate the pregnancy of the petitioner. The said letter shows that it is the wish of the petitioner herself that she does not want to continue with her pregnancy.

6. The Hon'ble Supreme Court of India, vide Judgment dated 06.02.2026, in the case of *A (Mother of X) Vs. State of Maharashtra & Others (Civil Appeal No.827 of 2026)*, has held thus:

“15. The issues raised by the respective sides are quite persuasive and delicate inasmuch as the arguments advanced by the respective counsel have their own weight. But what has to be considered in the instant case is ultimately the right of the minor child i.e. the appellant's daughter to continue a pregnancy which is ex facie outside marriage and the child to be born is to a pregnant woman who is stated to be minor. The appellant's daughter was a minor when she conceived and who has to face this unfortunate situation of having a pregnancy owing to a relationship that she had. The fact that presently she has crossed eighteen years of age is an irrelevant

factor.

16. We are also not on the question whether the relationship was consensual or whether it was a case of sexual assault although a criminal complaint has been lodged by the appellant in January 2026. That is not the issue to be considered in the present case. Ultimately, the denominator is the fact that the child to be born is not out of a wedlock and secondly, the mother to be of the child does not want to bear such a child. If the interest of the mother is to be taken note of, then her reproductive autonomy must be given sufficient emphasis. The court cannot compel any woman, much less a minor child, to complete her pregnancy if she is otherwise not intending to do so: that would be more traumatic for a minor such as the appellant's daughter in the instant case."

7. Similarly, in the case of *X Vs. State (MCT of Delhi)* reported in **2023 (9) SCC 433**, has held thus:

"114. A woman can become pregnant by choice irrespective of her marital status. In case the pregnancy is wanted, it is equally shared by both the partners. However, in case of an unwanted or incidental pregnancy, the burden invariably falls on the pregnant woman affecting her mental and physical health. Article 21 of the Constitution recognises and protects the right of a woman to undergo termination of pregnancy if her mental or physical health is at stake. Importantly, it is the woman alone who has the right over her body and is the ultimate decision-maker on the question of whether she wants to undergo an abortion.

115. ...

116. If women with unwanted pregnancies are forced to carry their pregnancies to term, the State would be stripping them of the right to determine the immediate and long-term path their lives would take. Depriving women of autonomy not only over their bodies but also over their lives would be an affront to their dignity. The right to choose for oneself - be it as significant as choosing the course of one's life or as mundane as one's day-to-day activities forms a part of the right to dignity. It is this right which would be under attack if women were forced to continue with unwanted pregnancies."

8. From the above referred observations, it is evident that a woman can become pregnant irrespective of her marital status. In case of an unwanted or incidental pregnancy, the burden invariably falls on the pregnant woman, affecting her mental and physical health. Article 21 of the Constitution recognises and protects the right of a woman to undergo termination of pregnancy, if her mental or physical health is at stake. It is the woman alone, who has the right over her body and is the ultimate decision-maker on the question of whether she wants to undergo an abortion. If women with unwanted pregnancies are forced to carry their pregnancies, it amounts to depriving women of autonomy not only over their bodies but also over their lives and it would be an affront to their dignity.

9. In the present matter, the above mentioned letter dated 27.04.2026, issued by the Child Welfare Committee, Akola, clearly depicts that the petitioner, herein, does not want to bear such child. Thus, if the interest of the mother is to be taken note of, then her reproductive autonomy must be given sufficient emphasis, as observed by the Hon'ble Supreme Court of India in the case of *A (Mother of X)* (*supra*).

10. Moreover, as the Court cannot compel any woman, much less a minor child to complete her pregnancy, if she is otherwise not intending to do so, it would be more

traumatic for a minor, such as the petitioner in the present case.

11. In the circumstances, we are of the opinion that subject to condition of consent of the victim and her relatives, the petitioner may be permitted to terminate the her pregnancy. Accordingly, we pass the following order:

- (i) The petition is **allowed**.
- (ii) The petitioner is permitted to terminate her pregnancy.
- (iii) We direct the petitioner to present before the Government Medical Hospital, Akola, today.
- (iv) Termination of the pregnancy of the petitioner could be carried out today i.e. on 05.05.2026, or tomorrow i.e. on 06.05.2026, subject to the conditions as mentioned in the Minutes of Meeting of the Medical Board, dated 04.05.2026.
- (v) An authenticated copy of this order be given to the parties.

The writ petition is disposed of in the above terms.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)