APHC010314082026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3330]**
(Special Original Jurisdiction)

MONDAY, THE 2nd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 16661/2026

Between:

1. KESANA VASANTHA, D/O. KESANA SRINIVASA RAO, AGED ABOUT 24 YEARS, RIO. DOOR NO. 25-1-43, WHARF ROAD, FRASERPETA, KAKINADA RURAL, EAST GODAVARI DISTRICT, PRESENTLY RESIDING AT KANURU, VIJAYAWADA, MOBILE 9989924796.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI - 522238.
2. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, HEALTH, MEDICAL AND FAMILY WELFARE DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI - 522238.
3. THE COMMISSIONER OF POLICE, POLICE COMMISSIONERATE, VIJAYAWADA CITY, N.T.R. DISTRICT -520002.
4. THE STATION HOUSE OFFICER, PATAMATA POLICE STATION, VIJAYAWADA CITY, N.T.R. DISTRICT - 520007.
5. THE COMMISSIONER, PUBLIC HEALTH AND FAMILY WELFARE, D.NO.189, 2ND FLOOR HIMAGNA TOWERS, N.T.R. MARG LIC COLONY, B-BLOCK, GOLLAPUDI, ANDHRA PRADESH - 521225.
6. THE SUPERINTENDENT OF GOVERNMENT GENERAL HOSPITAL, VIJAYAWADA, N.T.R. DISTRICT - 520008
7. GADDE KARTHIK, S/O. G. SANKARARAO, AGED ABOUT 30 YEARS,

RIO. 1-3B, MAREDUBAKA VILLAGE, KUKUNOOR MANDAL, WEST GODAVARI DISTRICT - 507114

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or a direction or a writ, more particularly one in the nature of Writ of Mandamus directing the respondents more particularly the 6th respondent to permit the Petitioner for termination of Pregnancy in the 6th respondent Hospital as early as possible as per provisions of Medical Termination of Pregnancy Act, 1971 as amened in 2021 and also direct the respondent Nos. 3 and 4 to collect and forward the substance that would get after abortion i.e., tissues, blood samples of foetus etc., to the concerned laboratory for DNA test to fix the criminal liability i.e., Respondent No. 7 before the court of law, and to consequently direct the Respondent Nos. 3 and 4 to take appropriate legal action against the unofficial respondent No. 7, and to pass

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased direct the 6th respondent to permit the Petitioner for termination of Pregnancy in the 6th respondent Hospital as early as possible as per provisions of Medical Termination of Pregnancy Act, 1971 as amened in 2021, pending disposal of the main writ petition, and to pass

Counsel for the Petitioner:

1. MULLA SOHAIL SHAREEF

Counsel for the Respondent(S):

1. GP FOR HOME
2. GP FOR MEDICAL HEALTH FW

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

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ORDER:

The Writ Petition is filed to direct the respondents, more particularly the 6th respondent, to permit the petitioner to terminate her pregnancy as per the provisions of Medical Termination of Pregnancy Act, 1971, as amended in 2021, and also to direct the respondent Nos.3 and 4 to collect and forward the substance that would get after abortion i.e., tissues, blood samples of foetus etc., to the concerned laboratory for DNA test to fix the criminal liability i.e., 7th respondent before the Court of law and to further directed the respondent Nos.3 and 4 to take appropriate legal action against the unofficial respondent No.7.

2. This Court, *vide* order dated 09.07.2026 directed the respondents to permit the petitioner for termination of the pregnancy and the same shall be done strictly in accordance with law with the provisions of the Act referred supra. This Court further directed that, in the event of such termination being carried out, it would be open to the petitioner to inform the investigating officer, the time and place at which such termination is to take place and upon such information being given, the investigating officer shall take appropriate and adequate steps to ensure that the foetus and other tissue expelled from the petitioner, on account of the said termination and also with a further direction to forward to an appropriate laboratory having the necessary facilities and experts to conduct all necessary tests including DNA test and such other tests that may be required for further investigation.

3. As directed by this Court, the concerned police have registered a Zero FIR against the 7th respondent.

4. Learned counsel appearing for the petitioner submits that notice could not be served on the 7th respondent. Further, the directions issued by this Court have been implemented by the respondents.

5. Nothing survives in the present writ petition to adjudicate further. If at all aggrieved, the 7th respondent is at liberty to file writ petition, as the respondents have implemented the directions of this Court, dated 09.07.2026.

6. Accordingly, the Writ Petition is closed. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any shall stand closed.

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JUSTICE TARLADA RAJASEKHAR RAO

Date: 02.11.2026
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