

rajshree

Digitally
signed by
RAJSHREE
KISHOR
MORE
Date:
2026.03.21
13:43:11
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION(ST) NO.5888 OF 2026

XYZ Through Mother, aged 55 years,
Occupation House wife, through
Kharghar Police Station,
Navi Mumbai 410210
V/S
....Petitioner

1. State of Maharashtra, through
the Secretary, Department of Health
and Family Welfare, Mumbai
2. The Medical Board, Sir J.J. Group
of Hospitals.
....Respondents

Ms.Kunda Gaikwad a/w Mr.Suraj Kunchikorve for the Petitioner.
Mrs.M.P. Thakur, AGP for the State.

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

**DATE : 21st MARCH 2026
(In Chamber)**

ORAL JUDGMENT :- (per Bharati Dangre, J)

1 Rule. Rule made returnable forthwith.
2 In continuation of our order dated 18/3/2026, Mrs.M.P.
Thakur, the learned AGP has placed before us the report under
the signature of Medical Superintendent, Sir J.J. Group of
Hospitals and Grant Medical College Mumbai dated 20/03/2026.

The Report is taken on record and marked as 'X' for identification.

3 As per the report presented to us, in terms of the directions of the Court, the victim girl who had approached this Court through her mother was examined by the Medical Board comprising of Associate Professor and Unit In-Charge of Department of Obstetrics and Gynecology as well as the Professor and Head of the Department of Pediatrics, Psychiatry, Radiology, Medicine and Department of Anesthesia. The observations in the report refer to the examination of the minor girl, aged 12 years, being accompanied with her mother.

The Ultrasonography/USG Obstetrics done on 19/03/2026 was suggestive of Single Live intrauterine gestation of mean gestational age 27 weeks and 5 days (+/- 2 weeks) with Cephalic presentation, Anterior placenta, normal Amniotic Fluid Index, normal Doppler with two vessel cord single umbilical artery with no other gross lethal congenital anomalies.

The expected due date according to the ultrasonography is 10/06/2026.

4 On consideration of the overall health and the advancement of the pregnancy of the girl, it is opined that the pregnancy is beyond 24 weeks. But since it is beyond the scope of the Board to allow the termination of pregnancy, in case if the High Court is inclined, the pregnancy may be terminated, in the interest of the psychological health of the victim and to prevent any irreparable, damage to her mental status and also to protect the social reputation of the family.

5 The Report categorically has thrown light on the mother's health by stating that XYZ alongwith her mother are strongly desirous of terminating the pregnancy and considering her tender age and overall biological unpreparedness of her body, there are chances of requiring a surgical intervention. However, the report categorically state thus :-

“The procedure of termination of pregnancy entails a very small theoretical risk to the life of the mother. However, with the medical expertise and advanced facilities available at J.J. Hospital, the materialization of such a risk is extremely unlikely. It will be our earnest endeavour to ensure an uneventful course of treatment for the victim with as minimal negative long term implications on her overall physical, reproductive and psychological health as is possible.”

6 As far as the fetus is concerned, it is expressed that there is every probability of it being born alive and may require intensive neonatal care.

The observations of Professor of different departments form part of the report and the overall opinion of the committee under the signature of all its members is expressed in the following words :-

“The patient and her mother have been thoroughly counselled. They have expressed a strong desire for termination of pregnancy at this stage. It is possible that the baby may be born alive and may survive with appropriate medical care and interventions. As the pregnancy is beyond 24 weeks and the foetus is not anomalous, this medical board is not empowered to grant the termination of pregnancy under the existing legal provisions.

However, if so directed by the Hon'ble Court, termination may be considered in the interest of the mother's psychological health and to prevent grave, irreparable harm to her mental well-being as also to the social reputation of the family if she is compelled to continue the pregnancy against her wishes.

Patient is not suffering from any psychiatric illness. Patient can be taken for MTP with due risk as per medicine, psychiatric and anaesthesia opinions.”

7 Since the Petitioner has approached this Court through her mother for terminating unwarranted pregnancy, in the light of the report presented before us, which is given after thoroughly examining the patient and having assessed the risk posed to her life, she being a minor, we deem it appropriate to allow the Writ Petition by permitting the pregnancy to be terminated.

We are informed by the learned counsel for the Petitioner that the girl is already admitted in J.J. Hospital.

8 In light of the aforesaid, since the girl is already in advance stage of pregnancy we permit the pregnancy to be terminated and we direct the the Dean of Sir. J.J. Hospital to start the procedure forthwith.

It is also clarified that if the child is born alive, appropriate care shall be offered to the child and if required the child shall be admitted in NICU and after following due procedure, can be given in adoption.

9 With this direction, Writ Petition is made absolute.

[MANJUSHA DESHPANDE, J.]

[BHARATI DANGRE, J.]