

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 22nd OF JULY, 2024

WRIT PETITION No. 19810 of 2024

A MINOR

Versus

THE STATE OF MADHYA PRAESH AND OTHERS

Appearance:

Ms. Divyakeerti Bohrey – Advocate for petitioner.

Shri Mohan Sausarkar – Government Advocate for State.

ORDER

This petition under Article 226 of Constitution of India has been filed seeking the following reliefs:

“i. Issue a writ in the nature of mandamus directing the respondents to abort the foetus scientifically as soon as possible and to conduct DNA test of the foetus for the purpose of evidence in the trial.

ii. Issue a writ in the nature of mandamus to the respondent authorities directing consideration of application for grant of appropriate compensation to the victim who is a minor girl, as per the state policy immediately.

iii. Issue any other writ, order or direction as this Hon'ble Court deems just and necessary in the facts and circumstances of the case.”

2. It is submitted by counsel for petitioner that grandmother of petitioner has lodged an FIR that when she noticed some abnormal development in the body of petitioner, then she was informed by petitioner that she was raped by one Petu Farhan and accordingly, it was mentioned in the FIR that since petitioner was raped by Petu Farhan about three months back, therefore, she has conceived. FIR was lodged on 07.07.2024 and according to grandmother of petitioner, petitioner was raped by Petu Farhan somewhere in between 07.04.2024 to 01.05.2024. Accordingly, the Dean, Gandhi Medical College, Bhopal was directed to constitute a Board to verify as to whether termination of pregnancy of petitioner is possible or not?

3. The Board has submitted its report which reads as under:

“5. Opinion by Medical Board for termination of pregnancy:

a) Allowed: -

b) Denied: Denied

The gestational age of the fetus is more than 24 weeks hence medical termination can not be performed as per MTP act amendment 2021. **In case of permission or order of MTP by honorable court** such termination can be performed with all the explained risk of anticipated and unanticipated complications related to termination of such high risk teenage pregnancy and the survivor having mild intellectual disability. Termination of pregnancy at this gestational age and continuation of pregnancy, both, carries risk of complications.

6. Physical fitness of the woman for the termination of pregnancy:

Yes”

4. Petitioner was medically examined by Board on 19.07.2024 and according to the Medical Board, petitioner is carrying pregnancy of 28 weeks that means petitioner had conceived about 5½ to 6 months prior to medical examination.
5. According to the FIR which was lodged on 07.07.2024, petitioner had conceived only three months back. Thus, it is clear that grandmother of petitioner had also given a false information in the FIR about the period during which petitioner might have conceived.
6. Accordingly, this Court is of considered opinion that in view of the medical report given by the Board by which termination of pregnancy has been denied coupled with the fact that even FIR which has been lodged by grandmother of petitioner is also suspicious, no case is made out for directing medical termination of pregnancy.
7. Accordingly, the petition fails and is hereby **dismissed**.

(G.S. AHLUWALIA)
JUDGE

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