

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT PETITION NO: 15692 OF 2026

Between:

Md. Sabera @ Smt. Sabera Begum, W/o. Md Yakub Pasha, Aged about 36 years, Occupation: Working at Petrol Pump, Residing at H.No. 11-4-322/20/55, Friday Market, Srinivas Nagar, Hyderabad

...PETITIONER

AND

1. State Of Telangana, Represented by its Secretary Department of Health Medical and Family Welfare Secretariat Buildings Hyderabad
2. The State of Telangana, Represented by its Special Secretary Department of Women Development and Child Welfare Secretariat Buildings Hyderabad
3. Director, Public Health and Family Welfare DM and HS Campus King Koti Hyderabad
4. The Medical Superintendent Gandhi Hospital, Secunderabad Telangana State
5. The Station House Officer, Chilkalguda Police Station, Hyderabad, Telangana.

...RESPONDENTS

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 Writ Order or Orders Direction or Directions more particularly one in the nature of Writ of Mandamus declaring the inaction of the Respondent No 4 in not taking steps to effect a medical termination of pregnancy of the minor child of the petitioner despite the medical reports as arbitrary and unfair to the physical and mental wellbeing of the minor child and consequently direct the Respondents No 3 and 4 to forthwith constitute a Medical Board to examine the minor child of the petitioner aged 16 years she being in a Gestational age of 27 WEEKS 02 DAYS as

per the Antenatal Ultra Sound Report Dated 29.04.2026, under the provisions of Section 3(2)(b) of the Medical Termination of Pregnancy Amendment Act 2021 within the time frame fixed by the Hon'ble High Court and take steps to arrange for a medical termination of pregnancy as per the provisions of the Medical Termination of Pregnancy Act 1971 as amended in 2021 within the time frame fixed by the Hon'ble High Court.

Counsel for the Petitioner: SRI KEERTI KABRA

**Counsel for the Respondent Nos.1 to 4: Ms.SWAPNA MADHURI,
AGP FOR MEDICAL HEALTH & FW**

Counsel for the Respondent No.5: GP FOR HOME

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT PETITION No.15692 OF 2026

05.05.2026

Between:

Md.Sabera @ Smt Sabera Begum

...Petitioner

AND

State of Telangana
Rep., by its Secretary, Department
of Health, Medical and Family Welfare,
Hyderabad and four others

...Respondents

ORDER:

This writ petition is filed seeking the following prayer:

"...to issue writ order or orders, direction or directions more particularly one in the nature of writ of Mandamus declaring the inaction of respondent No.4 in not taking steps to effect a medical termination of pregnancy of the minor child of the petitioner despite the medical reports as arbitrary and unfair to the physical and mental well being of the minor child and consequently direct respondent Nos.3 and 4 to forthwith constitute a Medical Board to examine the minor child of the petitioner aged 16 years she being in a gestational age of 27 weeks 2 days as per the Antenatal Ultra Sound Report dated 29.04.2026, under the provisions of Section 3 (2)(b) of the Medical Termination of Pregnancy Amendment Act 2021 within the time

frame fixed by the Hon'ble High Court and take steps to arrange for a medical termination of pregnancy as per the provisions of the Medical Termination of Pregnancy Act, 1971 as amended in 2021 within the time frame fixed by the Honourable High Court and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case."

2. Heard Ms. Keerti Kabra, learned counsel for the petitioner, Ms. Swapna Madhuri, learned Assistant Government Pleader for Medical, Health and Family Welfare appearing for respondent Nos.1 and 4 and learned Government Pleader for Home appearing for respondent No.5.
3. The petitioner is the mother of victim girl aged 16 years in POCSO offence which is subject matter in FIR No.218 of 2026 registered at Chilkalguda Police Station, Hyderabad under Sections 64 (2) (m) BNS, 5(1) read with 6 of POCSO Act, 2012 and Sections 9 and 10 of the Prohibition of Child Marriage Act.
4. Prior to 27.04.2026, as her minor daughter was feeling week and suffering from health issues, the petitioner took her to Gandhi Hospital and upon medical examination the doctors declared that her minor daughter was four months pregnant and that she learnt the minor daughter was lured by one D.Devraj on the false pretext of love and marriage irrespective of her age. Thereafter, during the course of check up, the said

Devraj induced the minor daughter of the petitioner to come along with him and that the minor daughter eloped with him. When the petitioner to proceeded to lodge a complaint for missing the minor daughter, the said Devraj came to the police station along with her minor daughter and having allegedly performed a marriage with her. On complaint made by her, FIR was registered. The victim was examined at Gandhi Hospital and her pregnancy was confirmed. As per scanning report, the victim's foetus is aged about 27 weeks 2 days. The petitioner wants the pregnancy of her minor daughter to be terminated in view of the health condition of the minor victim girl and her welfare.

5. In that context, upon hearing the petitioner's case, the minor girl was referred to respondent No.4-Hospital for examination and submission of a report on the feasibility of termination of pregnancy.

6. Learned Assistant Government Pleader for Medical, Health and Family Welfare, in compliance of orders of this Court dated 04.05.2026, submitted a report on 05.05.2026 wherein the Medical Board has conducted a clinical examination and opined

that the victim is fit for termination of pregnancy, considering her current period of gestation and associated risks.

7. In view of the medical opinion given by the Medical Board of respondent No.4-Hospital and keeping in view the welfare of the minor and her health condition, termination of pregnancy is ordered subject to the following conditions:

- 1) Respondent No.4 - the Superintendent, Gandhi Hospital, Hyderabad, is directed to take consent of the victim girl or her mother for termination of pregnancy of the victim girl.
- 2) If the victim girl or her mother gives consent for termination of pregnancy through medical procedure, respondent No.4 the Superintendent, Gandhi Hospital, Hyderabad, shall forthwith admit the victim girl, conduct medical examination and by taking all necessary precautions, terminate pregnancy of victim girl medically or through surgical procedure as may be required, within 48 hours.
- 3) Termination of pregnancy or surgical procedure, as the case may be, shall be performed by a senior most Gynecologist of respondent No.4 Hospital.
- 4) Respondent No.4 is directed to collect the tissue and blood samples of the fetus for conducting DNA and other tests.
- 5) The Investigating Officer while conducting investigation in F.I.R.No.218 of 2026 dated

27.04.2026 shall forward the tissue and blood samples of the victim girl to the concerned Forensic Laboratory for DNA and other relevant medical tests.

6) The blood samples and results of medical tests shall be preserved for the purpose of trial.

7) In case, the victim girl applies for victim compensation, the Legal Services Authority, High Court for the State of Telangana, shall render necessary assistance to the victim girl and ensure that compensation as provided under law is adequately granted.

8. Accordingly, the Writ Petition is allowed. No costs.

Miscellaneous petitions, if any, pending in this petition, shall stand closed.

SD/- S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The Secretary Department of Health Medical and Family Welfare Secretariat Buildings Hyderabad
2. The Special Secretary Department of Women Development and Child Welfare Secretariat Buildings Hyderabad
3. The Director, Public Health and Family Welfare DM and HS Campus King Koti Hyderabad
4. The Medical Superintendent Gandhi Hospital, Secunderabad Telangana State
5. The Station House Officer, Chilkalguda Police Station, Hyderabad, Telangana.
6. One CC to SRI KEERTI KABRA, Advocate [OPUC]
7. Two CCs to GP FOR MEDICAL HEALTH & FW, High Court for the State of Telangana, at Hyderabad [OUT]
8. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad . [OUT]

 9. Two CD Copies

PMK
ncv

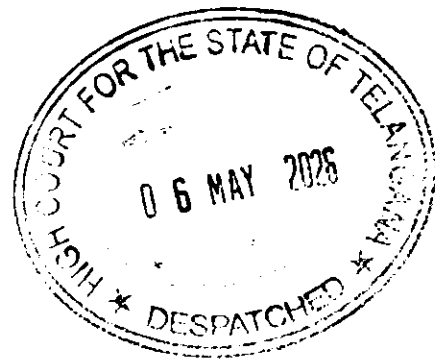
HIGH COURT

CC TODAY

DATED: 05/05/2026

ORDER

WP.No.15692 of 2026



**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

(13) MT
6/5/26