



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L.) NO. 12707 OF 2026

XYZ

Through her Mother

Mrs. Munnii Devi Santosh Kumar Shukla

R/at. Vile Parle (West), Mumbai 400 056.

...Petitioner

Versus

The State of Maharashtra

Through the Principal Secretary,

Public Health Department,

Mantralaya, Mumbai.

...Respondents

Ms. Saima Ansari, Advocate for the Petitioner.

Ms. Vrushal Kabre, AGP, for the Respondent – State.

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

DATED: 15th APRIL 2026.

PC:-

1. This Petition is filed by a 17 year old girl, through her mother, seeking termination of pregnancy of four months in terms of Medical Termination of Pregnancy Act, 1971 (“MTP Act”, for short). This pregnancy of the Petitioner is a result of alleged offence reported at Vile Parle Police Station, Mumbai, on 1st April, 2026, invoking the provisions of Sections 4, 8, and 12 of the Protection of Children from Sexual Offences Act, 2012 (“POCSO Act”, for short), along with Sections



137(2), 351(2), 351(3), and 64 of the Bharatiya Nyaya Sanhita, 2023 (“BNS”, for short).

2. This petition is filed through her mother seeking directions from this Court for termination of pregnancy under Section 3(2)(b) and Section 5 MTP Act, after it was discovered that she was carrying a 26 week pregnancy.

3. When the matter was listed before this Court, this Court passed a detailed order on 10th April 2026, referring the Petitioner to the Medical Board constituted in Sir J.J. Group of Hospitals and Grant Government Medical College, Mumbai, in terms of the directions issued by the Apex Court, for ascertaining whether the pregnancy could be terminated beyond the permissible limits as required under Section 3(2) (b) of the MTP Act.

4. Section 3(2)(b) of the Medical Termination of Pregnancy Act 1971, reads thus:

“3. When pregnancies may be terminated by registered medical practitioners. —

(2) (b) where the length of the pregnancy exceeds twenty weeks but does not exceed twenty-four weeks in case of such category of woman as may be prescribed by rules made under this Act, if not less than two registered medical practitioners are

of the opinion, formed in good faith, that—



(i) the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury to her physical or mental health; or

(ii) there is a substantial risk that if the child were born, it would suffer from any serious physical or mental abnormality”

Thus, the Court permit medical termination of pregnancy beyond 24 weeks of gestation only with the approval of the Medical Board. This provision has been made to ensure safe and secure termination of pregnancy.

5. Considering the tender age of the Petitioner, as well as the social stigma that may arise if the pregnancy is allowed to be continued, coupled with the reproductive autonomy of the woman, a request has been made for termination of the pregnancy.

This Court, as well as the Hon’ble Supreme Court, in a number of judgments, has reiterated the importance of the reproductive autonomy of a woman. In case of ***X Vs. The Principal Secretary, Health and Family Welfare Department, Government of NT of Delhi & Anr.*** [Civil Appeal No. 5802 of 2022 (Arising out of SLP (C) No. 12612 of 2022)], the Hon’ble Supreme Court made the following observations:

“29. The social stigma surrounding single women who are pregnant is even greater and they often lack support from their family or partner. This leads to the proliferation of persons not qualified / certified to practice medicine. Such persons offer the possibility of a discreet abortion and many women may feel



compelled by their circumstances to engage the services of such persons instead of opting for a medically safe abortion. As illustrated in Surendra Chauhan (supra), this often leads to disastrous consequences for the woman. Keeping in view these barriers to accessing reproductive healthcare, we now turn to the interpretation of Section 3(2) of the MTP Act and Rule 3B of the MTP Rules.”

The Medical Board at Sir J. J. Group of Hospitals, Mumbai constituted as per the Act comprises of the Obstetric and Gynecologist, Pediatrics, Psychiatrist, Radiologist, Doctor of Medicine and Anesthetic.

6. Upon examination by the Medical Board, a report by the Committee dated 13th April 2026 has been placed before us today by the learned AGP representing the Respondent-State. The report/opinion dated 13th April, 2026 is taken on record and marked ‘X’, for identification, wherein the Board has opined as follows:

“ On detailed review of the clinical records, ultrasonographic findings, psychiatric anesthetist and physician fitness reports, it is noted that the petitioner is 17 year old unmarried primigravida with no active illness and the the fetus is currently of 27 weeks gestation with the fetal scan not revealing any congenital anomalies and normal biometric parameters.

The Board has also considered the psychiatric opinion, which did not diagnose any active psychiatric disorder that would render continuation of pregnancy a threat to maternal life or mental stability. While her concerns are acknowledged and empathized with there is no substantial fetal anomaly or a grave, certified risk to her physical or mental health. Therefore. after careful multidisciplinary



deliberation, the Board is of the opinion that there is no medical grounds for termination of pregnancy at this gestational age.

If the Honourable Court is of the view that the continuation of this pregnancy would cause grave anguish to the petitioner due to her personal or social circumstances, then the termination of pregnancy can be done in any tertiary care institute with the possibility of fetus being born alive who may have to bear the complication of it's preterm birth.”

7. We have perused the opinion given by the Medical Board. It is not in dispute that the pregnancy is a result of the offence of rape. The Petitioner, being a minor girl aged about 17 years, does not desire to continue with the pregnancy and give birth to a child hence seeks termination of the pregnancy.

8. Although opinion is given by the Board that there is no substantial fetal anomaly, the Petitioner does not wish to continue with the gestation period to its complete term and she therefore wishes to terminate the pregnancy by exercising her right to reproductive autonomy, which is her fundamental right, as guaranteed by the Constitution of India. This right of reproductive autonomy, has been approved by the Hon'ble Supreme Court as well as the High Court in various judicial pronouncements.

In view of the clear opinion given by the Medical Board that, she is healthy and can undergo the procedure, viz., medical termination of pregnancy, subject to permission of this Court, we deem it appropriate to grant permission for



termination of the pregnancy, since the Petitioner has chosen to terminate the pregnancy, by exercising her right of reproductive autonomy.

9. Even though an opinion is given by the Medical Board to conduct procedure at tertiary care institute, however, we are of the opinion that since the Medical Board at J.J. Hospital who has examined the Petitioner and has given its opinion which comprises of Gynecologist, Radiologist and other doctors, it would be advisable that the procedure be conducted in the same hospital under the supervision of the Gynecologist who has signed the report or atleast under her supervision.

In view of the permission granted to the Petitioner, the Petitioner shall report to the hospital for procedure tomorrow morning and the Doctor shall conduct the procedure of medical termination in accordance with the prescribed norms.

10. We direct that the mother of 'XYZ' shall give a written undertaking consenting to the medical termination of pregnancy of 'XYZ' to the Hospital before the procedure actually commence. It is made clear that Sir J.J. Group of Hospitals and Grant Government Medical College, Mumbai shall conduct the procedure of medical termination of the pregnancy of 'XYZ', by keeping in mind all the medical safeguards.



11. The Writ Petition stands allowed in the above mentioned terms.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)