



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 9387 OF 2026 (GM-RES)

BETWEEN:

MS X

NAME OF THE PETITIONER HAS NOT BEEN
DISCLOSED.

THE PETITIONER IS A MINOR AND
A VICTIM OF SEXUAL OFFENCE.

HENCE, NON-DISCLOSURE OF HER NAME
IS IN COMPLIANCE OF THE DIRECTIONS
PASSED BY THIS HON'BLE COURT IN
W.P NO. 6763 OF 2020 AND OF
THE HON'BLE APEX COURT IN NIPUN SAXENA VS.
UNION OF INDIA (2019) 2 SCC 703

THE PETITIONER IS REPRESENTED BY HER
MOTHER AND NATURAL GUARDIAN
SMT. BASANTI BIST BHANDHARI,
AGED ABOUT 33 YEARS,
W/O INDAR BAHADDUR,
RESIDING AT NO. 170,
NEAR BSPS GOVT. SCHOOL,
KUVEMPU MAIN ROAD,
KEMPAPURA, HEBBALA, BENGALURU,
KARNATAKA - 560024.

...PETITIONER

(BY SMT. SHILPA PRASAD, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,





AMBEDKAR VEEDHI,
BENGALURU - 560001

2. STATE OF KARNATAKA
REPRESENTED BY THE STATION HOUSE OFFICER,
YELAHANKA PS, YELAHANKA SUB DIVISION,
BENGALURU CITY.
3. DISTRICT LEGAL SERVICES AUTHORITY,
BENGALURU,
GROUND FLOOR, CITY CIVIL COURT,
BENGALURU, KARNATAKA - 560001.
REPRESENTED BY ITS MEMBER SECRETARY
4. VANI VILAS HOSPITAL,
VICTORIA HOSPITAL COMPOUND, FORT,
K.R.ROAD, BENGALURU - 560 002
REPRESENTED BY ITS CHIEF SURGEON.
5. CHILD WELFARE COMMITTEE, BENGALURU
HOMBEGOWDA NAGAR,
BENGALURU, KARNATAKA- 560029.
REPRESENTED BY THE CHAIRPERSON
6. DISTRICT CHILDREN PROTECTION UNIT
DHARAMARAM COLLEGE POST,
BESIDE KIDVAY HOSPITAL,
WELFARE DEPARTMENT COMPLEX,
DR. MH MARIGOWDA ROAD,
HOSUR RD, BENGALURU,
KARNATAKA-560029.
REPRESENTED BY THE DISTRICT CHILD
PROTECTION OFFICER.

...RESPONDENTS

(BY SMT. NAVYA SHEKHAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA, PRAYING TO A. ISSUE A WRIT
OF MANDAMUS AND CONSEQUENTLY DIRECT THE
RESPONDENT NO. 4 TO TAKE NECESSARY STEPS TO



TERMINATE THE PREGNANCY OF THE PETITIONERS DAUGHTER AND ETC.

THIS WRIT PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned petition is filed seeking a direction against respondent No. 4 to take necessary steps to terminate the pregnancy of petitioner's daughter.

2. On filing of this petition, this Court had directed respondent No. 4-Vani Vilas Hospital to constitute a Board and examine the victim and send a opinion as to whether the medical termination of pregnancy is feasible in the case of hand.

3. Today, learned AGA has placed on record the opinion rendered by the Board constituted by the Medical Superintendent of 4th Respondent/Hospital. The said medical opinion is taken on record.



4. The Board is clearly of the opinion that the period of gestation is 30 weeks plus 3 days and the estimated foetal weight is 1,455 grams, indicating viable foetus. The Board has also opined that the victim is 17 years old and termination of pregnancy at this advanced gestational age may pose significant risk and adverse perinatal outcomes for the neonate.

5. The law relating to termination of pregnancy in India is governed by the Medical Termination of Pregnancy Act, 1971, as amended by the Medical Termination of Pregnancy (Amendment) Act, 2021 (for short "the Act").

6. Under Section 3 of the Act, pregnancy may ordinarily be terminated up to 20 weeks on the opinion of one registered medical practitioner and up to 24 weeks on the opinion of two registered medical practitioners for certain categories of women, which include survivors of sexual assault and minors.



7. Section 5 of the Act provides an exception permitting termination beyond the prescribed limit only when such termination is immediately necessary to save the life of the pregnant woman.

8. In cases where pregnancy has crossed the statutory limit, constitutional Courts exercising jurisdiction under Article 226 or Article 32 of the Constitution of India, have entertained petitions seeking termination, primarily based on medical opinion regarding risk to the life or health of the pregnant woman or severe foetal abnormalities.

9. In ***X v. Union of India (2024) 12 SCC 453***, the Hon'ble Supreme Court held that Courts may permit termination beyond the statutory limit where continuation of pregnancy would endanger the life of the woman and the medical report does not disclose any substantial foetal abnormalities.



10. **In *X v. State (NCT of Delhi) 2025 SCC OnLine Del 2506***, the Division bench of Delhi High court overturned a single judge's order allowing a 16-year-old survivor of sexual assault to terminate her 26-week pregnancy, and directed her to continue the same till 34 weeks.

11. However, the consistent thread running through the aforesaid decisions is that Courts have relied upon the opinion of competent Medical Boards while deciding whether termination can be safely undertaken. Where the Medical Board has opined that termination would pose serious risk to the life of the pregnant woman, Courts have refrained from permitting such termination.

12. In the present case, the pregnancy has advanced to 30 weeks, which is well beyond the stage of foetal viability. At this stage, the foetus is capable of survival outside the womb with appropriate neonatal care.



13. The Medical Board constituted pursuant to the directions of this Court has categorically opined that induction for termination at this stage would be dangerous to the life of the baby. The same is extracted which reads as under:

" As patient has already crossed 30 weeks + 3 days +- 3 weeks of gestation, she can be allowed to continue till term so that baby maturity will be completed and the prematurity of the new born and associated complications can be avoided. Planning the delivery now or at term will not alter the maternal outcome."

In view of the opinion expressed by the Board, this Court is of the view that medical termination as pleaded in the captioned petition cannot be acceded to.

14. Having regard to the peculiar facts of the case and the status of the victim as a minor survivor of sexual assault, the following directions are issued:



(i) The respondent–Hospital shall ensure that the victim receives continuous medical supervision and appropriate antenatal care until delivery.

(ii) The respondent–hospital shall take all necessary precautions to ensure safe delivery and neonatal care.

(iii) The Child Welfare Committee and District Child Protection Unit shall extend counselling, psychological assistance and rehabilitation support to the victim.

(iv) The State shall ensure that the victim is extended the benefit of compensation under the Victim Compensation Scheme and other welfare measures available under law.

(v) If the victim or her guardians express inability or unwillingness to raise the child after birth, the Child Welfare Committee shall take appropriate



steps in accordance with law for care and adoption of the child.

(vi) The respondent-hospital shall preserve relevant medical evidence, if required, for the purposes of the criminal proceedings.

(vii) Learned AGA is directed to forthwith communicate this order orally to the concerned respondents.

The writ petition stands disposed of accordingly.

Hand delivery ordered.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

ALB
List No.: 2 Sl No.: 109