



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO.200886 OF 2026 (GM-RES)

BETWEEN:

MISS. "A" D/O RAHIM SAB
(NAME OF VICTIM WITHHELD FOR
CONFIDENTIALITY UNDER POCSO ACT)
AGE: 16 YEARS, OCC: NIL,
REPRESENTED BY NATURAL
GUARDIAN/MOTHER
RAZIA BEGUM W/O RAHIM SAB,
AGE: 50 YEARS, OCC: LABOUR,
R/O CHAMNAL VILLAGE,
TQ. SHAHAPUR, DIST. YADGIRI-585309.

...PETITIONER



(BY SRI. AMEET KUMAR DESHPANDE, SENIOR COUNSEL FOR
SMT. NILUFARHANAZ, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY PRL. SECRETARY,
DEPARTMENT OF HEALTH &
FAMILY WELFARE,
#105, 1ST FLOOR, VIKASA SOUDHA,
BENGALURU-560001.
2. THE DEPUTY COMMISSIONER,
YADGIRI DISTRICT



YADGIRI-585201.

3. DIST. GOVT. HOSPITAL,
YADGIRI-585202.
4. THE MEDICAL BOARD
(CONSTITUTED UNDER MEDICAL
TERMINATION OF PREGNANCY),
YADGIRI INSTITUTE OF
MEDICAL SCIENCES,
YADGIRI-585202.
5. VICTIM LIAISON OFFICER,
SRI. NELAPPA, ASI,
KEMBHAVI POLICE STATION,
TQ. SHORAPUR,
DIST. YADGIRI-585216.

...RESPONDENTS

(BY SRI. MALLIKARJUN SAHUKAR, AGA FOR R1 TO R3 & R5;
SRI. SIDDALING PATIL, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE AN APPROPRIATE WRIT MORE SO IN NATURE OF MANDAMUS AND GRANT THE FOLLOWING RELIEFS: A) ISSUE APPROPRIATE WRIT/DIRECTION TO RESPONDENT AUTHORITIES PERMITTING THE PETITIONER FOR MEDICAL TERMINATION OF HER PREGNANCY, WHICH IS BEYOND STATUTORY GESTATIONAL LIMIT.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR



ORAL ORDER

Heard Sri Ameet Kumar Deshpande, learned Senior Counsel appearing on behalf of Smt.Nilufarhanaz, learned counsel for the petitioner, learned Additional Government Advocate appearing for respondent Nos.1 to 3 and 5 and Sri Siddaling Patil, learned counsel for respondent No.4.

2. This petition is filed by the petitioner represented through natural guardian mother seeking following reliefs:

"(a). Issue appropriate writ/direction to respondent authorities permitting the petitioner for Medical Termination of her Pregnancy, which is beyond statutory gestational limit, in the interest of justice.

(b). Pass such other orders or directions as this Hon'ble Court deems just and proper under the facts and circumstances of the case and allow this Writ Petition, in the interest of justice."

3. It is an unfortunate case of the minor girl, petitioner-xxx, aged 16 years 4 months and 15 days, who had to undergo forcible sexual intercourse against her consent. Petitioner, minor girl was aged 15 years and 8 months when she had gone to the elder sister's house for domestic help being unaware of the fact that even the closest of the relative would become barbaric and put her into severe traumatic shock both mental and physical condition. It was later realized that she



had an undesirable pregnancy. A case is registered in Crime No.186/2025 of Kembhavi Police Station, Shorapur Taluk, Yadgiri District on 18.11.2025. After investigation, a charge sheet has been filed.

4. Be that as it may, the present case pertains to the unfortunate incident and the undesirable pregnancy which was forced on the innocent minor child which she expresses her desire to terminate. The matter was referred before the District Judge, Yadgiri, and by order dated 09.02.2026, an opinion of the Medical Board was sought. Same was furnished on 20.02.2026 wherein the Medical Board has stated that the fetus is between 26 to 28 weeks and judicial permission is required to terminate the pregnancy. Hence, the petitioner approached this Court by filing the petition on 23.02.2026. The matter came up before this Court on 23.02.2026. This Court passed order directing the same Medical Board to give an opinion with regard to the termination of the unwanted pregnancy as petitioner had desired. So, along with the earlier Medical Board, the Court ordered that a Psychiatrist to be included as a medical expert to provide an opinion based on which an opinion



is provided today by the Medical Board which is placed on record which reads as under:

"SI.No.:YIMS/OBG/217/2025-26

Date: 24.02.2026

*To,
The Additional Government Advocate
High court of Karnataka Kalaburgi bench, Kalaburgi*

*Subject: Regarding opinion for MTP from medical board YIMS
Yadgiri Crime No.186/2025, Kembhavi Police Station. "WP no.
200886 of 2026".*

Respected Sir/Madam

*The Medical Termination of Pregnancy (MTP) Medical Board of
MCH, YIMS, Yadgiri after examining the girl aged 16 years 4
months from Chamnal village, Yadgiri. We are of the opinion that,*

*1) She is Primigravida with 27 weeks and 5 days of gestational
age*

*On clinical examination: mild pallor present, pulse rate-76/minute,
Blood pressure of 100/60 mmhg, per abdomen examination
suggestive of uterus 26 to 28 weeks size, fetal movements present
& fetal heart rate- 152 beats/minute.*

*2) USG report on 19-02-2026 suggestive of single live
Intrauterine fetus of 27 weeks 1 day of gestational age, amniotic
fluid 14 cms, Estimated fetal weight is 1.08 kg.*

*3) As the pregnancy is almost near to the period of viability (28
Weeks) there is a possibility that fetus may survive with good
neonatal intensive care.*

*4) Anaesthesia opinion- Based on the provided history and
examination, she is medically fit for any of the procedures.*

*5) Psychiatrist opinion- Based on the provided history and
current mental status examination, there is no syndromal
psychiatric illness, she can be taken up for the procedures.*

*Hence, we require a judicial permission for MTP at this
gestational age.*

Thanking You,

*Sd/-
Professor & Head
Dept of OBG,
YIMS Yadgiri*

*Sd/-
Professor & Head
Dept of Paediatrics,
YIMS, Yadgiri.*

*Sd/-
Professor & Head
Dept of Anaesthesia
YIMS, Yadgiri,*

*Sd/-
Professor & Head
Dept of Radiology,
YIMS, Yadgiri*

*Sd/-
Professor & Head
Dept of Psychiatry,
YIMS, Yadgiri."*



5. The Medical Board has found that the MTP at this gestational age can be taken up for procedures. Under the circumstances, this Court deems it appropriate to pass following:

ORDER

- i. The writ petition is allowed.
- ii. Writ of mandamus is issued directing respondent No.4/Medical Board to terminate the pregnancy of the petitioner-minor, by adopting all safety requirements for such procedure.
- iii. The DNA sample of the fetus shall be immediately sent to the Forensic Science Laboratory, Kalaburagi, for providing a DNA report so as to enable the comparison with the DNA of the accused as and when required.
- iv. The fetus shall be preserved in such a manner so as to obtain a DNA sample for future examination.
- v. The fetus shall be preserved until culmination of the trial in Crime No.186/2025 pending before the District and Sessions Court, Yadgir.



- vi. Respondent No.1-State is directed to bear the entire medical expenses for termination of the pregnancy of the petitioner and procedure as directed by this Court herein above.
- vii. The matter shall be placed before the District Legal Services Authority for considering the compensation which is required to be paid in terms of the compensation scheme for women victim survivors of sexual assault which is implemented by the Legal Services Authority as contemplated under Section 357-A of Cr.P.C., (Section 396 of BNSS, 2023) for awarding compensation to the victim.
- viii. Nevertheless, the matter shall be placed before the Registrar with regard to the report to be filed by the Medical Board as well as the action taken by the Legal Services Authority with regard to the compensation so considered.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

NB
LIST NO.: 1 SL NO.: 49/CT:SI