

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 6423/2026

1. Salim Mohammed S/o Sh. Jumme Ji, Aged About 37 Years, Resident Of 77, Nayak Bas, Nahri Ka Naka, Shastri Nagar Jaipur Rajasthan.
2. Noor Bano W/o Salim Mohammed, Aged About 34 Years, Resident Of 77, Nayak Bas, Nahri Ka Naka, Shastri Nagar Jaipur Rajasthan.
3. Shahajad Bano W/o Chand Mohd., Aged About 76 Years, Resident Of Vyas Colony, Nawa, Tehsil Nawa, District Didwana Kuchaman Rajasthan.
4. Akshara Bano D/o Salim Mohammed, Aged About 15 Years, (Dob-10.08.2010) Resident Of 77, Nayak Bas, Nahri Ka Naka, Shastri Nagar Jaipur Rajasthan.

-----Petitioners

Versus

1. The State Of Rajasthan, Through Chief Secretary, Government Of Rajasthan, Jaipur.
2. Principal Secretary, Medical, Health And Family Welfare Department, Government Of Rajasthan, Jaipur.
3. The Superintendent Of Police, Didwana, District Didwana Kuchaman, Rajasthan.
4. The Station House Officer (S.h.o.), Police Station Nawa, District Didwana Kuchaman.
5. Chief Medical And Health Officer (Cmho), Didwana, District Didwana Kuchaman, Rajasthan.
6. Superintendent, Seth Shri Radhakrishan Sarda Memorial Govt. Hospital (District Hospital) Kuchaman City District Didwana Kuchaman.

-----Respondents

For Petitioner(s)	:	Mr. Sarwar Khan
For Respondent(s)	:	Mr. B.S. Sodha on behalf of Mr. N.S. Rajpurohit, AAG

HON'BLE MR. JUSTICE KULDEEP MATHUR
Order

28/03/2026

1. By way of filing the present writ petition, the petitioner has prayed for the following reliefs:-

"It is, therefore, most humbly and respectfully prayed that by appropriate writ, order or direction-

1. That the writ petition may kindly be allowed.

2 The writ petition may kindly be allowed with costs and by issuing an appropriate writ, order or direction the respondents may be directed to constitute a medical board which in turn may carry out the process of examination of health of petitioner's daughter and assist in termination of her pregnancy.

3. The respondents may kindly be directed to keep the DNA of the fetus preserved in relation to the charges of rape upon the accused.

4. That any other appropriate writ, order of direction which this Hon'ble Court deems fit and proper in the fact and circumstances of the case any kindly be passed."

2. Having heard learned counsel for the parties and having perused the material available on record, this Court deems it just and proper to direct Superintendent, Seth Shri Radhakrishan Sarda Memorial Govt. Hospital (District Hospital) Kuchaman City, District Didwana-Kuchaman to constitute a Medical Board forthwith in order to ascertain the gestation A.C. age of foetus and to take opinion as to whether the termination of the pregnancy of the petitioner No. 4-'A' is medically safe or not within a period of 48 hours.

3. The Medical Board so constituted shall also apprise the petitioner No. 4-'A' about the consequences of the termination of pre-mature pregnancy. In case, the Medical Board so constituted by Superintendent Seth Shri Radhakrishan Sarda Memorial Govt. Hospital (District Hospital) Kuchaman City, District Didwana-Kuchaman upon examination of petitioner No. 4-'A' opines that termination of the pregnancy is safe, then appropriate steps shall be taken for conducting the procedure to terminate pregnancy of petitioner No. 4-'A' without any delay. It is made clear that the DNA of the fetus shall be sent to concerned Forensic Science Laboratory (FSL) and be preserved for seven years.

4. It is also made clear that the entire procedure as indicated above and the consent of the petitioner No. 4-'A' for undergoing procedure for termination of pregnancy shall be conducted in the

presence of SHO, PS-Nava, District- Didwana Kuchaman within a period of 48 hours.

5. With the aforesaid direction, the present writ petition as well as the stay petition stand disposed of.

(KULDEEP MATHUR),J

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