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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 2136/2021**

**MINOR M THR SISTER S**

.... Petitioner

Represented by: Mr. Anwesh Madhukar, Adv.  
DHCLSC with Ms. Prachi Nirwan,  
Mr. Abhishek Sandillya, Adv.

versus

**STATE OF NCT OF DELHI & ANR.**

..... Respondent

Represented by: Mr. Rajesh Mahajan, ASC for  
State/R-1 with Ms. Jyoti Babbar, Adv.  
with SI Pushpa, PS Govindpuri.  
None for R-2.

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

**29.10.2021**

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The hearing has been conducted through Video Conferencing.

1. Petitioner who is a minor, aged about 17 years has approached this Court through her sister with the prayers to direct respondent No.2/ AIIMS to constitute a Board and submit an opinion for the medical termination of pregnancy of the petitioner as warranted under Section 3(2)(b) of the Medical Termination of Pregnancy Act, 1971 (in short the MTP Act) and direct respondent Nos.1 and 2 to medically terminate the pregnancy of the victim petitioner.
2. FIR No.342/2021 under Section 363 IPC was lodged by the mother of the petitioner claiming that the petitioner had left her house on 23<sup>rd</sup> May, 2021 at about 10:00 a.m. without telling anybody and her mobile was found switched off, suspecting that she had been kidnapped. When the petitioner

came back to her home after three days, she does not make any allegation of sexual assault, however, later her statement under Section 164 Cr.P.C. was recorded and it was found that she had conceived and she named the accused who had committed sexual assault on her.

3. In view of the fact that the petitioner is a minor and unable to bear the pregnancy at this tender age as also unable to take the responsibility of a child, the petitioner seeks termination of pregnancy under the MTP Act.

4. When this petition came up before this Court on 28<sup>th</sup> October, 2021, this Court directed the respondent No.2/ AIIMS to constitute a Board, examine the petitioner and consider the feasibility of termination of pregnancy so as to save the petitioner.

5. A report of the Medical Board dated 29<sup>th</sup> October, 2021 has been forwarded by the Medical Superintendent, AIIMS. On reviewing the records and clinical examination of the petitioner, the Medical Board at AIIMS has opined that the petitioner who is 17 years old sexual assault survivor has around 24 weeks of pregnancy as per the ultrasound dated 29<sup>th</sup> October, 2021 performed at AIIMS, the petitioner and her family wants termination of pregnancy and they have been explained of the risk and complications of MTP. The chances of baby showing signs of life after delivery were also explained whereafter also the petitioner and her family has opted for medical termination of pregnancy. As per the report, the petitioner suffers from no medical co-morbidity and medical termination of pregnancy can be performed.

6. In view of the report of the Medical Board, the Medical Superintendent, AIIMS is requested to get conducted the medical termination of pregnancy of the petitioner at the earliest. After the medical

termination of MTP is conducted, samples for DNA tests will also be preserved so that the same can be analyzed by the FSL.

7. With these directions, the writ petition is disposed of.

8. Dasti under the signatures of Court Master to learned counsel for the petitioner as also the Investigating Officer. Copy of this order will be conveyed to the Medical Superintendent, AIIMS by the learned counsel for the petitioner as also by the Investigating Officer.

9. Order be uploaded on the website of this Court.

**MUKTA GUPTA, J.**

**OCTOBER 29, 2021**

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