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

+ W.P.(CRL) 1753/2023, CRL. M.A. 16385/2023

MINOR VICTIM-V

..... Petitioner

Through: Mr.U.S. Gautam, Mr.Dheeraj Raghav,
Ms.Shristi Anand, Mr.Y.H.Mohan,
Mr.Madan Sagar and Mr.Shariq,
Advocates with the Parents of the
Victim in person.

versus

THE STATE & ANR.

..... Respondents

Through: Mr.Sanjeev Bhandari, ASC (Crl.)
with Mr. Kunal Mittal, Advocate
SI Reena, PS Jyoti Nagar

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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12.06.2023

1. This is a petition seeking termination of pregnancy through registered medical practitioners of the minor victim aged about 13 years. The petition has been filed by the minor victim through her father.
2. As per the status report, the victim aged 13 years came to her Nani's house in Meet Nagar, Jyoti Nagar, Delhi in January, 2023 wherein she was raped by a person who was a tenant in the same locality. Thereafter, the victim came to her native place at Bhopal, M.P. On 30.05.2023, she fell unwell and hence her parents took her to a hospital where it was found that she is pregnant. A zero FIR has been registered at PS Ashoka Garden, Bhopal, M.P. and her medical has been conducted in Govt. Jai Prakash Hospital, 1250, Tulsi Nagar, Bhopal vide MLC no.42765 dated 30.05.2023

wherein the victim was found to be 24 to 26 weeks pregnant. Statement under Section 164 Cr.PC has been recorded.

3. When the matter came up for hearing before this Court on 09.06.2023, the Court was pleased to direct the Medical Board comprising of minimum two doctors at Guru Teg Bahadur Hospital to review the case of the victim. The same has been done and as per the medical report, the opinion of the board is as under:

“1. Gestational age as determined by clinical parameters is 25 weeks 5 days and by ultrasonography done on 07-06-23 is suggestive of 25 weeks + 5 days ± 1 week (as per records).

2. There is no evidence of Gross congenital anomalies in the fetus on ultrasound.

3. Continuation of pregnancy in this case (Adolescent Pregnancy) carries a higher risk to both the mother and fetus/neonate which is as follows:

- Maternal risks – Anmia, Hypertensive disorders (preeclampsia/eclampsia), preterm delivery, preterm premature rupture of membranes, cephalo-pelvic disproportion, operative delivery, postpartum depression, postpartum endometritis.*
- Fetal/neonatal risks – Increased risk of preterm, low birth weight and complications due to prematurity, small for gestational age, still birth, early neonatal death.*

4. However, it is to be noted that late second trimester termination of pregnancy also carries maternal risk though rare, like failure of medical method requiring operative intervention, trauma to genital tract and hemorrhage.

5. Both parents and client have been counselled and explained about the procedure and its associated risks. They have consented for the same.”

4. The medical board has opined that continuation of pregnancy in this case carries a higher risk to both, the mother and the foetus.

5. In this view of the matter and in view of the findings of the Medical Board, it is directed that the termination of pregnancy of the child victim be

effected as soon as possible by the doctors at Guru Teg Bahadur Hospital.

6. The medical team shall ensure that the best possible care is given to the pregnant child victim including post operative care so that she recovers completely and only then is discharged. The medical team and the hospital shall also ensure that the victim and the mother are counselled at every stage and are made aware of the risks involved.

7. It is further directed that one lady police officer shall be stationed alongwith the mother and the victim from the point of admission to the hospital till the time of discharge.

8. In the event that the foetus is born alive, considering the age of foetus it would be given adequate care in the nursery of GTB Hospital in their NICU ward. In case such facility is not available, the hospital shall ensure that the foetus is transferred to an appropriate facility and advance arrangement in that regard shall be made including transportation. This shall be under the care of the Medical Superintendent of the concerned hospital.

9. In any other situation, it is directed that the hospital shall preserve the terminal foetus for the purpose of DNA testing which would be required with reference to the criminal case which has been registered. The preservation of the terminal foetus and DNA that may be drawn shall be in accordance with orders that may be passed by the competent criminal court.

10. These directions shall be complied with on an immediate basis, based on the medical opinion regarding the medical status as may be taken by the Medical Board, regarding all concerned facts and circumstances.

11. Such directions are to be complied with irrespective of any holiday/government holiday at the hospital.

12. All expenses regarding the process will be borne by the State

including medicines, food, hospitalisation, transportation etc.

13. A complete record of the procedure performed for the termination of pregnancy shall be maintained by the medical team.

14. Needless to state, if any further directions are required, the petitioner will be at liberty to approach this Court.

15. The petition is allowed and disposed of.

16. *Dasti* under the signatures of Court Master/Private Secretary.

17. The DSLSA shall also look into the compensation to be paid to the victim.

**JASMEET SINGH, J
(VACATION JUDGE)**

JUNE 12, 2023/tp

[Click here to check corrigendum, if any](#)