

# The High Court Of Madhya Pradesh

WP No. 499 of 2022

(VICTIM A Vs THE STATE OF MADHYA PRADESH AND OTHERS)

**Jabalpur, Dated : 10-01-2022**

**Heard through Video Conferencing.**

Shri Prahlad Choudhary, learned counsel for the petitioner.

Ms. Priyanka Mishra, Govt. Advocate for the respondent/State.

Heard.

Petitioner, a rape victim has filed this petition, through her father for termination of her pregnancy.

Petitioner was examined by a team of three doctors (Gynecologists), namely Dr. Gita Guin, Professor ObGy, Dr. Archana Singh, Professor ObGy and DR. Kriti Patel, Assistant Professor ObGy of Netaji Subash Chandra Bose Medical College, Jabalpur.

As per the report, petitioner is in advance stage of pregnancy (about 32 weeks). The doctors have opined/advised against the abortion at this advance stage, as it may jeopardize the baby and mother's physical and mental development.

The petitioner does not want to keep the baby, however, looking to the medical report and condition of the daughter of the petitioner, permission to terminate the pregnancy cannot be granted.

Under the circumstances, in view of the orders of the Supreme Court in the case of XYZ Vs. Union of India and others, the State is directed to admit the daughter of the petitioner under the care of aforesaid team of Doctors who have prepared the report to take antenatal care and keep her under their supervision and care till the time the child is safely delivered. The said Doctors and hospital will have to assume full responsibility to ensure that mother and child is offered best medical treatment available in the circumstances. However, after delivery, if the petitioner and her daughter are unwilling to keep the child or not in a position to assume responsibility, then the State and its agencies will have to assume full responsibility for such child

and offer such child medical support and facilities as may be reasonably feasible, adhering always to the principle of best interest of such child as well as the statutory provisions in the Juvenile Justice Act and keeping in the interest of the

child shall also make an endeavor for the adoption of the child.

Though the matter is disposed of, however, the Government Advocate and the authorities are directed to keep apprise this Court of the medical condition and also to file periodical status report till the child is delivered and in case the petitioner and her daughter is not willing to keep the child, then till the child is given in adoption.

With the aforesaid direction, this petition stands disposed of.

A copy of this order be supplied to learned Govt. Advocate for information and compliance.

Certified copy/e-copy as per rules/directions.

**(NANDITA DUBEY)  
JUDGE**

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