



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 37559 of 2026

X (Minor Victim)

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Ayush Mittal, Deepak Kumar Singh
Counsel for Respondent(s)	: C.S.C.

Court No. - 1

HON'BLE AJIT KUMAR, J.

HON'BLE GARIMA PRASHAD, J.

1. Heard Shri Deepak Kumar Singh, learned counsel for the petitioner and Ms. Shruti Malviya, learned State Law Officer.

2. On 21.09.2026, this Court passed the following order:

“1. Heard Sri Deepak Kumar Singh, learned counsel for the petitioner and Ms. Shruti Malviya, learned State Law Officer for the State respondents.

2. On 16.09.2026, this Court had passed the following order:

"1. It is a case of extreme urgency concerning 13 year old girl as the gestation period of 24 weeks for the medical termination of pregnancy has already expired. A medical board as per Section 3(2B) of the Medical Termination of Pregnancy Act, 1971, was constituted under the order of the Additional Sessions Judge / Special Judge (POCSO Act), Prayagraj directing for a report to be submitted by 14.09.2026, but till date no report has been submitted.

2. Chief Medical Officer, Prayagraj is directed to submit a report as contemplated under the order dated 11.09.2026 passed by Additional Sessions Judge/Special Judge, POCSO, Act, Prayagraj within next 48 hours before the Chief Judicial Magistrate, Prayagraj. Thereafter, Chief Judicial Magistrate, Prayagraj shall proceed to pass an order as per the report regarding the feasibility of the medical termination of pregnancy in view of the relevant provisions contained under the Act, 1971 in light of judgment of Supreme Court in the cases of X vs. Principal Secretary Health & Family Welfare Department, Govt. of NCT of Delhi and

another, (2023) 9 SCC 433 and X vs. Union of India and another, 2023 SCC Online SC 1338 and shall pass appropriate order without fail and report be submitted before us by the Chief Judicial Magistrate, Prayagraj, on or before the next date fixed.

3. Accordingly, petitioner is directed to appear before the Chief Judicial Magistrate, Prayagraj on 18.09.2026.

4. Put up this case as fresh on 21.09.2026.

5. Ms. Shruti Malviya, learned State Law Officer is directed to intimate this order to the Chief Medical Officer, Prayagraj, today itself and shall also intimate the same to the Chief Judicial Magistrate, Prayagraj.

6. The Registrar (Compliance) of the High Court shall also intimate this order to the Chief Medical Officer, Prayagraj today itself and shall also intimate the same to the Chief Judicial Magistrate, Prayagraj.

7. Mr. Deepak Kumar Singh, learned counsel for the petitioner shall also supply his cell phone number alongwith the cell phone of the mother of the victim to Ms. Shruti Malviya, learned State Law Officer today itself.
“

3. In compliance with the aforesaid order, learned State Law Officer has produced before this Court a report dated 18.09.2026 submitted by the Chief Judicial Magistrate, Prayagraj. The same is taken on record.

4. We have perused the said report. The Medical Board has not rendered any categorical opinion either in favour of or against the termination of pregnancy. It has recorded that the foetus has crossed the stage of viability and that, since the pregnancy is a high-risk pregnancy, both its continuation and termination carry associated medical risks. This Court is, therefore, required to take a view upon an overall consideration of the circumstances, including the tender age of the minor and the fact that the pregnancy is alleged to be the consequence of a sexual assault.

5. The report records the gestational age as approximately 29 weeks and 2 days. The minor is stated to be of average build, with a BMI of 16.2, and mildly anaemic. Though her age is stated to be about 13 years as per her Aadhaar Card, the radiological examination conducted on 24.08.2026 indicates her age to be about 16 years but below 17 years. As regards her mental condition, the report records that the minor appeared to understand the nature and consequences of the termination

of pregnancy. She has expressed her desire not to continue the pregnancy and stated that its continuation would cause further harm to her mental health.

6. The reproductive choice, bodily autonomy, dignity and mental health of the pregnant person constitute relevant considerations under the Medical Termination of Pregnancy Act, 1971. The expression 'mental health' has been accorded an extensive meaning by the Supreme Court in X v. Principal Secretary, Health and Family Welfare Department, Government of NCT of Delhi and another, reported in (2023) 9 SCC 433.

7. Having regard to the minor's age, the circumstances in which the pregnancy occurred, her physical and psychological condition, and the unequivocal wishes expressed by her and her natural guardians, this Court is of the considered view that her welfare would be served by permitting the termination of pregnancy.

8. Accordingly, respondent no. 3, the Chief Medical Superintendent, S.R.N. Hospital, Prayagraj, Uttar Pradesh, is directed to admit the minor petitioner and undertake the termination of pregnancy tomorrow on 22.09.2026 by the safest medically permissible procedure, after completing the requisite formalities and ensuring all necessary medical safeguards. The procedure shall be performed by an appropriate team of specialist doctors.

9. The Investigating Officer concerned shall accompany the minor petitioner and assist her in the admission to the S.R.N. Hospital, Prayagraj. The State shall bear all expenses relating to her transportation, treatment and post-procedural care.

10. The Respondent no. 3 shall submit a compliance report, which shall be filed and placed on record before this Court by the next date fixed.

11. List this matter on 29.09.2026.

12. Learned State Law Officer shall intimate this order to respondent no. 3/Chief Medical Superintendent, S.R.N. Hospital, Prayagraj, the Investigating Officer as well as the Chief Medical Officer, Prayagraj, today itself."

3. Today at 10:00 A.M., an urgent miscellaneous application had been moved stating that the order of this Court directing medical termination of

pregnancy had not been complied with. Accordingly, we directed the Head of the Department of Gynecology, Motilal Nehru Medical College and Associated Swaroop Rani Nehru Hospital, Prayagraj, and also the Medical Superintendent of the Hospital to appear before the Court to explain as to under what circumstances the order dated 21.09.2026 was not complied with fixing the matter at 2:00 P.M.

4. Now, at 2:00 P.M., we are informed that Dr. Amrita Chaurasia is currently out of station and the In-charge Head of Department, Dr. Vandana Ojha, is present before this Court along with Dr. Aiman Abbasi, Assistant Professor of the Medical College, who had performed the surgery. The Medical Superintendent, Dr. Neelam Singh, as well as the Chief Medical Officer, Dr. Arun Kumar Tiwari, are also present before this Court.

5. Dr. Vandana Ojha makes a statement before this Court that she is currently In-charge on account of the fact that Dr. Amrita Chaurasia, Head of the Department of Gynecology, is out of station and states that the induction process for medical termination of pregnancy through vaginal passage was started in the evening of 22.09.2026, but, it having failed, it was decided to perform delivery through surgery and, accordingly, cesarean delivery of the baby was done. Looking to the condition of the infant baby, the baby has been admitted to the Children Hospital.

6. Dr. Aiman Abbasi, who is present before this Court and has performed the surgery, upon being questioned as to why she performed the surgery when medical termination of pregnancy as such was directed by the Court, makes a statement that since medical termination of pregnancy through the conventional method could not take place due to certain complications, it was decided to deliver the child through cesarean mode. Dr. Aiman Abbasi, however, could not disclose under whose order or authorization she performed the surgery. Dr. Vandana Ojha also does not state that she directed that the baby be delivered through cesarean mode.

7. The Chief Medical Officer, who is present before this Court, states that he had constituted a committee under Dr. Neelam Singh, the Medical Superintendent, to ensure that the order of this Court dated 21.09.2026 is complied with in its letter and spirit. Dr. Neelam Singh also makes a statement that she had communicated the order to Dr. Amrita Chaurasia at

11:30 A.M. yesterday and that it was now the duty of Dr. Amrita Chaurasia to have constituted a team to ensure compliance with the order of this Court. She further admits that Dr. Amrita Chaurasia left the station at 12:00 A.M. midnight hours.

8. Learned State Law Officer, at this stage, makes a statement that she had communicated the order on the day it was uploaded, i.e., on 21.09.2026, to the Chief Medical Officer and she further submits that she received a call from Dr. Amrita Chaurasia this morning after this Court had passed order for her appearance in person, informing her that she had left yesterday night itself to conduct examination at Patna and that was why she could not comply with the order of this Court, nor could, therefore, appeared before this Court.

9. Further, we may also here refer to the averments made in paragraph 3 of the application on behalf of the petitioner, which was supported by the affidavit of the mother that reads as under;

"3. That in gross violation and defiance of the explicit direction that "The State shall bear all expenses relating to minor victim transportation, treatment and post-procedural care," the administration/staff of S.R.N. Hospital, Prayagraj, has been arbitrarily demanding money and out-of-pocket expenses from the impoverished mother of the minor victim for medicines, tests, and procedural requirements prior to and for the execution of the termination procedure."

10. These above averments relate to the statement of fact which needs to be explained and further required to be duly verified after getting the version of the other side also. However, since Dr. M.N. Abbasi could not disclose as to why the cesarean delivery took place and why in the morning no effort was made, today itself we inquired as to when the victim got admitted to the hospital. She stated that the victim came along with the Investigating Officer at 04:45 P.M., when the registration slip. This shows that virtually there was no attempt at all since the morning of 22.09.2026, even though the stand taken by the petitioner is that she accompanied the Investigating Officer and reached the hospital at around 11:00 A.M.

11. In view of the statements so made by the learned State Law Officer,

Ms. Shruti Malviya, and also the doctors present before this Court, Dr. Priyank Chaurasia and team of doctors involved, are prima facie found to be guilty of deliberate negligence in not complying with the order of this Court. It is a fit case where appropriate proceedings may be directed to be drawn against all of them for having played with the life of a rape victim whose application was for medical termination of pregnancy. No explanation has been offered as to under what circumstances the induction method failed and what is very surprising is that Dr. Amrita Chaurasia, without giving any explanation, left for outstation. Dr. Aiman Abbasi, who conducted the surgery, has also not disclosed as to who issued the direction to get the cesarean delivery done. Both the victim and the mother had clearly given consent that, at their own risk, the medical termination be done and they did not want the baby to be born.

12. Let there be an inquiry into the matter to fix the responsibility of the doctors including Dr. Amrita Chaurasia, who happens to be Head of the Department of Gynecology, Motilal Nehru Medical College, and who had the primary duty to ensure that the order of the High Court stands complied with in its letter and spirit.

13. Accordingly, the Principal Secretary, Medical and Health, Government of Uttar Pradesh, is directed to hold an inquiry, himself into the matter and submit a report within next two weeks. The report be submitted in a sealed cover after examining the doctors who are involved in the matter and also the victim 'x' and her mother as well as the I.O. whom the petitioner accompanied to the hospital, on the next date fixed.

14. In the meanwhile, we direct that the Hospital shall take full care of the mother, and she shall be discharged only after full recovery. As far as the cesarean-born child is concerned, the infant shall be taken care of in the Children Hospital itself and shall not be handed over to anyone without leave of this Court.

15. We make it clear that the expenses incurred or to be incurred in the process of delivery of the child, as well as the post-natal care of the baby and the mother, shall be borne by the Hospital itself. The CMO shall ensure that no expenses are charged from the petitioners including medicines.

16. Put up this matter on 12.10.2026.

17. Let this order be communicated to the Principal Secretary, Medical,

Health and Family Welfare Department, Government of Uttar Pradesh, today itself by Registrar (Compliance). Learned State Law Officer shall also communicate this order to the authorities concerned to ensure compliance with the order of this Court.

18. Let reply be filed by learned counsel for the State to the application filed today by petitioner.

19. The Medical Superintendent of the Hospital as well as the Chief Medical Officer, who are present in Court, shall remain present on the next date fixed. Dr. Priyank Chaurasia shall also remain present in Court on the next date fixed, however, Dr. Vandana Ojha and Dr. Aiman Abbasi are not required to appear. I.O. shall of course, remain present in the Court on the next date fixed.

(Garima Prashad,J.) (Ajit Kumar,J.)

September 23, 2026
Sachin Mishra