

# In Reference (Suo Moto) vs State Of M. P. on 11 February, 2025

**Author: Subodh Abhyankar**

**Bench: Subodh Abhyankar**

NEUTRAL CITATION NO. 2025:MPHC-IND:3557

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IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE  
BEFORE  
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR  
ON THE 11th OF FEBRUARY, 2025  
WRIT PETITION No. 5370 of 2025  
IN REFERENCE (SUO MOTO)  
Versus  
STATE OF M. P.

Appearance:

Dr. Amit Bhatia-Govt. Advocate for the respondent/State.

ORDER

1] This Writ Petition is registered suo moto, under Article 226 of the Constitution of India, as directed by this Court in the case of X vs. State of Madhya Pradesh and others {W.P.No.39431/2024 decided on 12.12.2024) wherein, certain directions were issued regarding medical termination of the pregnancy of the rape victims.

2] Pursuant to the aforesaid order, the learned Special Judge under POCSO Act & Second Additional Judge to the Court of First District and Additional Sessions Judge, Dewas, M.P. has sent an application along with the report of the Medical Board of the District Hospital, Dewas wherein, it is opined that the victim in the present case, who has filed a case at Crime No.485/2024 in respect of offence registered under Sections 96, 64(2)(m) of Bhartiya Nyaya Sanhita and under Sections 5(L) read with Section 6 and 5(j)

(ii) read with Section 6 of the Protection of Children from Sexual Offence Act, 2012, and it is informed that the victim, who is less than 13 years old, is carrying around 20 weeks pregnancy, which can sagely be terminated.

NEUTRAL CITATION NO. 2025:MPHC-IND:3557 2 WP-5370-2025 3] in view of the aforesaid opinion, this court is inclined to allow the present petition the Head of the Department of Obstetrics & Gynecology, M.G.M. Medical College & M.Y. Hospital, Indore is directed to terminate the pregnancy of the victim at an early date, as provided under the Medical Termination of Pregnancy Act, 1971, and its intimation may be sent to the Registry of this Court.

4] Needless to say that the victim's identity shall not be disclosed. It is further directed that samples/viscera of the fetus shall be preserved, and be handed over to the concerned police officer for the purposes of investigation and DNA profiling, to be produced before the competent Court where the criminal case is pending.

5] With the aforesaid directions, the petition stands disposed of.

(SUBODH ABHYANKAR) JUDGE moni