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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SHRI JUSTICE ROHIT ARYA
ON THE 29th OF DECEMBER, 2022
WRIT PETITION No. 29798 of 2022**

BETWEEN:-

**X (MINOR) AGED ABOUT 14-15 YEARS THROUGH
NATURAL GUARDIAN (FATHER) SHRI MUKESH
KUSHWAH S/O SHRI SHOBHARAM KUSHWAH, AGED
ABOUT 45 YEARS, OCCUPATION: LABOUR, PERMANENT
R/O VILLAGE LAKHANPURA, BILLAUA CURRENT R/O
MUKESH YADAV'S RENTED HOUSE, RAIRU FARM,
NEAR RAIRU BYPASS, P.S. PURANI CHHAWANI,
GWALIOR (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI MANAS DUBEY - ADVOCATE)

AND

- 1. STATE OF MADHYA PRADESH THROUGH
PRINCIPAL SECRETARY, VALLABH BHAWAN,
BHOPAL (MADHYA PRADESH)**
- 2. STATE OF MADHYA PRADESH THROUGH
COLLECTOR GWALIOR DISTRICT GWALIOR
(MADHYA PRADESH)**
- 3. SUPERINTENDENT OF POLICE, GWALIOR
DISTRICT GWALIOR (MADHYA PRADESH)**
- 4. CHIEF MEDICAL AND HEALTH OFFICER
GWALIOR DISTRICT GWALIOR (MADHYA
PRADESH)**
- 5. S.H.O. POLICE STATION PURANI CHHAWANI
DISTRICT GWALIOR (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI G.P.CHOURASIYA - GOVERNMENT ADVOCATE)

.....
This petition coming on for motion hearing this day, the court passed

the following:

ORDER

This petition has been filed under the provisions of Medical Termination of Pregnancy Act, 1971 for termination of the pregnancy of the petitioner, a rape victim.

On the last date of hearing i.e., on 21.12.2022 the medical report of the prosecutrix/petitioner was requisitioned from Medical Board including an Anesthetist and Gynecologist. The report is placed on record, according to which, the pregnancy is of 11 weeks and 2 days as on 24.12.2022 and as per the experts the pregnancy can be terminated.

In view of the same, since under [Section 3](#) of Medical Termination of Pregnancy (Amendment Act), 2021, now the pregnancy can be terminated within 24 weeks, this Court finds it expedient to dispose of this petition with a direction to the HOD of the Obstetrics and Gynaecology Department of J.A. Hospital, Gwalior to terminate the pregnancy of petitioner after general and systematic examination in accordance with law.

Accordingly, it is directed that the petitioner along with her legal guardian shall approach the HOD of the Gynaecology Department of J.A. Hospital, Gwalior on 31st of December, 2022 where Senior Doctors having experience in the field shall carry out the termination of pregnancy of petitioner after general and systematic examination, in accordance with law. Let the DNA sample of the foetus be preserved.

Needless to say that petitioner shall be provided all required facilities including admission in medical hospital and all the expenses incurred in this behalf shall be borne by the M.P. State Government only.

Let a copy of this order be furnished to the respondent no.4/Chief Medical and Health Officer, Gwalior

Learned counsel for the State is also requested to ensure that the aforesaid procedure be conducted without any further difficulty to the petitioner.

With the aforesaid, the writ petition stands allowed and disposed of.

(ROHIT ARYA)
V. JUDGE

(and)