

(2025) 08 KAR CK 0387

In the Karnataka High Court, Principal Bench

Case No : Writ Petition No. 25533 Of 2025 (GM-RES)

X

APPELLANT

Vs

State Of Karnataka & Ors.

RESPONDENT

Date of Decision : 23-08-2025

Acts Referred:

Medical Termination Of Pregnancy Rules, 2003 — Rule 3B

Citation : (2025) 08 KAR CK 0387

Hon'ble Judges : B M Shyam Prasad, J

Bench : Single Bench

Advocate : K.S. Ponnappa, Navya Shekar

Final Decision : Allowed

Judgement

B M Shyam Prasad, J

1. The petitioner, who is represented by her mother, is a 14 year old victim of sexual assault and she is in the family way. The petitioner has lost her father as a 10 year old girl and she is presently studying in IX Standard with a Government School. The petitioner, amongst others, seeks directions to the fourth respondent to terminate her pregnancy with directions to all the respondents to ensure DNA Test is conducted as part of pending investigation in Crime No.228/2025 and for compensation to the victim.

2. This Court has called for a report from the Medical Board with the fourth respondent [M/s Bowring And Lady Curzon Hospital], and the Medical Board's opinion is that [a] the gestational age of the foetus is 27-28 weeks [b] there is possibility of survival of the baby without any neurological and physical deficits [c] the petitioner as a 14 year old mother would be psychologically impaired if she carries pregnancy to term [d] if there is termination, the petitioner will have risks and complications associated with delivery at term, and [e] in case of survival of the baby at the time of termination, there would be perinatal complications associated with extreme pre-maturity.

3. This Court must record that Rule 3B of the Medical Termination of Pregnancy Rules, 2003, carves out an exception for termination of pregnancy of minors who are victims of rape, when their pregnancy is beyond 20 weeks, but for reasons contemplated under the Medical Termination of Pregnancy Act, 1971 when supported by good faith opinion of a Board of Doctors if there is risk to physical and mental health of the person.

4. This Court must next refer to the decision of the Apex Court in XYZ v. State of Gujarat and Others 2023 SCC OnLine SC 1573, where the Apex Court, reiterating that it is for a woman to decide on whether she wants to undergo medical termination of pregnancy or otherwise, has permitted termination in the case of a person who was 27 weeks into pregnancy with certain directions, and these directions are:

[a] to the hospital to carry out medical procedure at the earliest,

[b] to the Hospital to give all necessary medical assistance if the baby is alive, including incubation, and if necessary to make arrangements in this regard with other hospitals,

[c] to the State to take all steps for ensuring that the child is offered for adoption in accordance with law, and

[d] to the concerned to ensure that the evidence is preserved for subsequent DNA test for the purposes of investigation.

5. In this case, where it cannot be disputed that a 14-year-old girl is a victim of sexual assault and has come to know about her physiological condition only when the School authorities have taken her to the hospital, and with the opinion of the Medical Board finding that the termination is with her consent and in her best interest, and significantly, as chosen by her there must be appropriate directions. Hence, the following:

ORDER

[A] The petition is allowed directing the fourth respondent to carry out the procedure for medical termination of the petitioner's pregnancy at the earliest, and it shall be for the Doctors to decide on the decision on the survival of the foetus.

[B] The State Government, in directing the District Children Protection Unit - sixth respondent, is called upon to ensure that if the baby survives, it is offered for adoption in accordance with law.

[C] The fourth respondent shall ensure that the evidence is preserved and handed over to the Investigating agency for DNA test as part of the ongoing investigation.

[D] The third respondent shall ensure payment of compensation to the petitioner in accordance with the Victim Compensation Scheme.