

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

**WP (C) 320/2023
CM (662/2023)**

XXX (Minor) through her father

... Petitioner/Appellant(s)

Through: Mr. Sheikh Manzoor, Advocate

V/s

UT of J&K and others

Through: Mr. Mohsin Qadiri, Sr. AAG

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

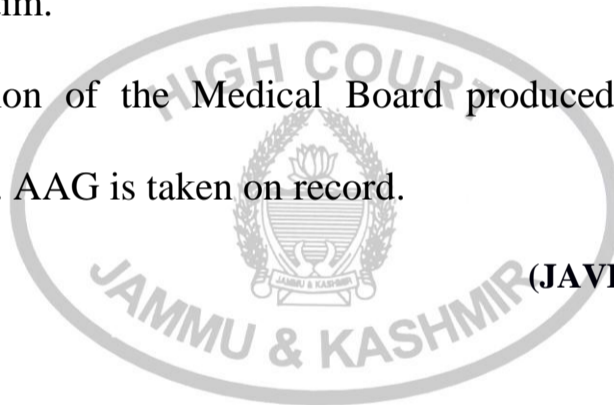
21-02-2023

1. The instant matter came up for consideration on 17.2.2022 and in view of the issue involved in the petition, the minor victim was directed to be examined by the Medical Board for its opinion as to whether the termination of pregnancy of victim is advisable or not.
2. Report of the Medical Board has been produced by Mr. Mohsin Qadiri, Sr. AAG today accompanying to letter no. PA/HOD/GD/3036 dated 18.2.2023 addressed by the Head of Department, Gynaecology and Obstetrics, Government Medical College, Srinagar, to the Medical Superintendent, Government LD Hospital, Srinagar. The accompanying medical opinion reads as follows:

“1. On examination, the general condition of the victim is satisfactory.

2. Patient has 19 weeks of pregnancy as documented by USG done on 18.2.2023 at LD Hospital, 18-20 weeks of pregnancy as per fresh examination.
 3. Patient is very high risk for MTP as it is a case of teenage pregnancy.
 4. MTP can be undertaken with extra high risk consent given by guardians/parents.”
3. The petitioner father of the victim is present before this court in person along with his counsel. Since the medical opinion furnished provides that the patient is a very high risk being a case of teenage pregnancy, thus the board has opined that the MTP can be undertaken with “extra high risk consent” given by the guardian/parent. In view of the aforesaid opinion, the petitioner father of the victim volunteers and agrees to extend the consent as is solicited by the medical board.
4. Having regard to the facts and circumstances of the case inasmuch as the medical opinion *supra* and the statement made by the petitioner father of the victim, the respondent 2, as such, is directed to proceed with the case of termination of pregnancy of the minor victim by the experts in the field after having a fresh examination of the victim and in the event a final call is taken by the experts for termination of pregnancy of the minor victim, necessary measures shall also be taken in association with respondents 3 and 4 for the preservation of the DNA sample of the fetus. It is further directed that in case the process of termination of pregnancy is undertaken, the minor victim be provided all necessary medical facilities free of cost by the respondent 2.

5. A copy of this order shall be furnished to Mr. Sheikh Manzoor, appearing counsel for the petitioner, as also to Mr. Mohsin Qadiri, Sr. AAG for ensuring its compliance without any delay. A compliance report of this order shall also be filed before this court by or before next date of hearing.
6. List on 10.4.2023.
7. Meanwhile, learned counsel for the petitioner shall ensure the presence of the petitioner father before the respondent 2 for completion and fulfillment of necessary requisites before the experts undertake the process of termination of pregnancy of the minor victim.
8. The opinion of the Medical Board produced by Mr. Mohsin Qadiri, Sr. AAG is taken on record.



(JAVED IQBAL WANI)
JUDGE

Srinagar
21-02-2023
N Ahmad