

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION [ST.] NO. 1690 OF 2026

XYZ.

...Petitioner.

Versus

The State of Maharashtra and Others.

...Respondents.

Mr. Mohansingh Rajpt for the Petitioner.

Ms. T. J. Kapre, AGP for the Respondent-State.

**Coram : Madhav J. Jamdar &
Pravin S. Patil, JJ.**

Date : March 18, 2026.

P. C. :

1. Not on board. Upon mentioning, taken on board at 12.30 p.m.
2. On 27th February 2026, this Court [Coram : Nitin B. Suryawanshi and Ajit B. Kadethankar, JJ] directed the Medical Board, Satara Civil Hospital to examine the Petitioner and submit a report on 7th March 2026. Report of medical board dated 6th March 2026 recommended that termination of pregnancy may be undertaken to prevent grave injury to the physical and mental health of Petitioner.
3. Accordingly, this Court by order dated 7th March 2026 disposed of this writ petition by permitting the medical termination of the pregnancy of petitioner and kept the matter on 11th March 2026 for reporting compliance. The said order dated 7th March 2026 reads thus :

“1. Heard Mr. Rajput, learned Counsel appointed to represent the Petitioner by High Court Legal Services Committee, Kolhapur and Ms. Kapre, learned AGP for the Respondent – State.

2 By this Writ Petition filed under Article 226 of the Constitution of India, the Petitioner has sought relief of constitution of Medical Board at District Civil Hospital, Satara and also to examine the Petitioner with respect to physical and mental fitness for termination of pregnancy under the supervision of the Medical Board at Respondent No.3 – Hospital and also seeking relief of termination of pregnancy.

3. This Court by an order dated 27th February 2026 has directed the Medical Board, Satara Civil Hospital to examine the Petitioner and submit a report. Pursuant to the said direction, the Medical Board has been constituted consisting of Gynaecologist, Radiologist, Psychiatrist, Pediatrician and Anesthesiologist. As per the report, the pregnancy of the Petitioner is approximately 24 to 26 weeks of gestation and it has been observed that termination of pregnancy may be undertaken to prevent grave injury to the physical and mental health of the Petitioner.

4. Perusal of the record shows that the Petitioner, who is a minor of 16 years has been subjected to continuous sexual assault by the accused and, therefore, Zero FIR bearing No.3 of 2026 has been filed with Satara City Police Station, Satara under Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and under Section 351(3) and 64(2)(m) of the Bhartiya Nyaya Sanhita, 2023 (BNS). Thereafter, the said FIR has been transferred to Chadachan Police Station, District Vijayapura, State – Karnataka. The Petitioner is a minor child of 16 years and has been subjected to sexual assault. Learned counsel appearing for the Petitioner states that as per the information of the Petitioner, the accused has been arrested.

5. In the facts and circumstances of the case, it is clear that the pregnancy is having adverse impact on the mental and physical health of the Petitioner. Thus, the Petitioner is permitted to medically terminate her pregnancy. Learned Counsel for the Petitioner states that the Petitioner is already admitted in the District Civil Hospital, Satara.

6. In light of the above, we are inclined to allow the Petition and pass the following order.

ORDER

- (i) The Petitioner is permitted to terminate her pregnancy.
- (ii) The authorities of District Civil Hospital, Satara shall facilitate termination of pregnancy of the Petitioner, which shall be carried out as early as possible. The same shall be carried out under the supervision of the Medical Board and the District Civil Hospital, Satara shall ensure that the Petitioner is provided best available medical treatment.
- (iii) The authorities of District Civil Medical, Satara shall take necessary blood sample and tissue sample of the fetus and shall preserve the same for carrying out necessary tests, including DNA identification.
- (iv) The authorities of District Civil Hospital, Satara and the Senior Inspector of Satara Police Station, Satara shall ensure that samples are collected by the Investigating Officer of Chadachan Police Station, District Vijayapura,

State – Karnataka. The Investigating Officer shall ensure that the samples are forwarded to the Forensic Science Laboratory and the same shall be preserved for the purpose of trial of the offence.

(v) The authorities of District Civil Hospital, Satara shall also to ensure that the petitioner's identity is not disclosed.

6. The Writ Petition is allowed in the above terms.

7. List the Petition on 11th March 2026 at 02.30 p.m. for reporting compliance of this order. “

4. On 16th March 2026, a report has been submitted to this court by the Civil Surgeon, Satara. The report states that medical termination of pregnancy of the Petitioner is successfully done. The said report reads thus :

“Medical Termination of Pregnancy of XYZ is successfully done. Patient is vitality stable. Chadchan Police Authority has been informed for foetal DNA sampling.”

5. Today, learned Counsel appearing for the Petitioner mentioned the matter at 10.30 a.m. and submitted that yesterday he was informed by the Petitioner and her family members that report dated 16th March 2026 submitted by the Civil Surgeon, Satara is a false one. In view of the said submission, we directed that the matter be placed on production board at 12.30 p.m. urgently.

6. At 12.30 p.m. learned Counsel appearing for the Petitioner tendered short notes dated 18th March 2026 signed by him. The said short-note is taken on record and marked “X” for identification. For ready reference, contents of the said short notes are reproduced below :

"Short Notes as per The Hon'ble Court's Direction

1. The court ordered Medical Termination of Pregnancy (MTP) beyond 24 weeks on March 7, 2026, directing best medical treatment and a compliance report.
2. MTP Procedure and Failed Outcome:- MTP was attempted on March 16, 2026, at Civil Hospital Satara by the Civil Surgeon, but it failed, resulting in the birth of a baby girl at 11:00 AM. False Compliance report was given.
3. The newborn was allegedly starved until death approximately at 9:30 PM to 10.00 pm for DNA sampling, despite pleas from the victim, her mother, and a child welfare officer.
4. Allegations Against Hospital: Hospital authorities kept the baby under starvation, ignoring the court's order.
5. Even after police intervention via 112 the next day via helpline by victims mother on 17/03/2026 at 8.37 am it was informed by Hospital Authority to police personnel that as per The Hon'ble Courts Order it has been done.
6. The dead body was left beside the victim until 10:00 AM on March 17, 2026.
7. Misuse of This Hon'ble Court's order.
8. The Civil Hospital Satara authorities violated the Bombay High Court's March 7, 2026, order for best medical treatment and MTP by failing the procedure on March 16, 2026, leading to a live birth, then deliberately starving the newborn to death for DNA sampling
9. This conduct amounts to criminal negligence under Section 304A IPC (causing death by negligence), potential murder under Section 302 IPC due to intentional starvation despite cries and pleas, and child endangerment under the Juvenile Justice Act, 2015.
10. Misuse of court order by prioritizing DNA over life support, ignoring victim family, child welfare officer, and police (via 112), shows gross contempt of court under Contempt of Courts Act, 1971.
11. The Hospital Staff even stated and pressurize the Victims Mother to state, if asked by the Hon'ble Court to falsely state that Hospital Staff has taken due care.
12. May grant liberty to add/alter/amend and file additional Affidavit if needed.

PRAYERS;

13. THE PETITIONER THEREFORE, MOST RESPECTFULLY PRAYS AS UNDER: -

- a. Direct immediate FIR registration against Civil Surgeon and hospital staff under IPC Sections 304A, 302, 304 (culpable homicide), and JJ Act provisions;
- b. order departmental inquiry with suspension pending probe.
- c. Impose exemplary costs/fine on hospital for contempt;
- d. mandate compensation to victim (10 lakhs) for trauma,
- e. ensure independent autopsy/DNA report;
- f. Request to list the said matter for urgent hearing with compliance;
- g. Victim and her parents may not be threatened hence forth by the Hospital Authority. Award costs to the Petitioner from the respondents for the Mental Trauma caused and pass such other orders as this Hon'ble Court deems fit in the interest of justice.
- h. Victim to be given rehabilitation at the Cost of Hospital Authority.
- i. Pass such further and other orders, including interim orders as this Hon'ble Court may deem fit in the interest of justice, including an interim direction permitting admission and necessary treatment at any other private Hospital, Satara or such other centre, pending final orders.
- j. May pass such further and other orders, as This Hon'ble Court deem fit in the interest of Justice."

7. Reading of the above short notes reveals a very serious and shocking incident insofar as the handling of medical termination of pregnancy of petitioner and handling of baby born to the Petitioner is concerned. We are completely aghast.

8. Considering the seriousness and gravity of the matter as mentioned in the short note above, we direct the Principal Secretary, Public Health Department, Mantralaya, Mumbai to immediately carry out a thorough enquiry about the incident mentioned in the said short-notes and submit a report to this Court on or before 25th March 2026.

9. In the meanwhile, Respondent No.4-District Woman and Child Development Officer, Satara shall file an affidavit as also the members of Medical Board, Civil Hospital, Satara District shall file affidavit.
10. The Collector, Satara is directed to immediately seize the CCTV footage of 16th March 2026 of the District Civil Hospital, Satara.
11. Petitioner is permitted to file an affidavit.
12. As learned Counsel appearing for the Petitioner submitted that the Petitioner and her family members are being given threats, the Superintendent of Police, Satara is directed to take immediate steps to ensure protection of Petitioner and her family members.
13. List on board on 25th March 2026. First on Board at 2.30 p.m.
14. Learned AGP shall forthwith communicate this order to all concerned.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]