



2026:AHC:48695-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 8991 of 2026

M Through Her Guardian (Father) Resident Of
Village Kulesara

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Manisha Singh, Pankaj Kumar Mishra
Counsel for Respondent(s)	:	C.S.C.

Court No. - 2

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HON'BLE ATUL SREEDHARAN, J.
HON'BLE SIDDHARTH NANDAN, J.

1. Heard learned counsel for the petitioner and Ms. Shubra Singh, learned Standing Counsel for the State-respondents and perused the record.
2. The present writ petition has been filed through 'M', a prosecutrix of rape through her guardian father. This court feels it essential not to give any further details of the petitioner on account of the nature of the case.
3. According to the petitioner, she was a victim of rape on account of which an F.I.R. being Case Crime No. 45 of 2026 was registered by the father of the petitioner on 25.01.2026 at about 21:02 Hrs, under Section 69 of B.N.S. at Police Station- Ecotech-III, District- Gautam Budh Nagar. The prosecutrix stated to have been enticed by the accused to establish sexual relationship with her and on the false promise of marriage continued to the relationship. Resultantly, the prosecutrix became quick with child when she was about 16.5 years old. The first act in the offence apparently seems to have been committed sometime in September, 2025 and it remained hidden till such time the prosecutrix revealed about the incident in the month of January, 2026, by which time she was already into the 5th month of her pregnancy. The prayer in the present petition is for the issuance of a writ in the nature of mandamus directing the respondent-authorities to terminate the pregnancy of the petitioner. On the last date of hearing, this court vide its order dated 27.02.2026 had directed the constitution of a medical board by the Principal of the Government Institute of Medical Sciences, which include a Psychiatrist and a Clinical

Psychologist to the counsel for the petitioner and the parents, separately if so required and thereafter hold a joint session. The District Magistrate of Gautam Budh Nagar was also directed to be a part of the team so that in case the petitioner agrees to carry the pregnancy to full term and thereafter put up the child for adoption as laid down by the Apex Court in the case of '**A' (Mother of 'X') Vs. State of Maharashtra and Others**' reported in **2024 5 SCR 470**.

4. Today, the report of the Government Institute of Medical Sciences dated 06.03.2026 has been placed before this court in a sealed cover which has been opened by the Bench Secretary and handed over to the court wherein it is disclosed that a five-member team of doctors which included the Associate Professor and Head of Psychiatry and the Professor and Head of Obstetrics and Gynecology interacted with the prosecutrix who gave her consent to continue the pregnancy till delivery leading to the child birth but on the condition that the child shall be put up for adoption immediately and that she does not want to bear the emotional burden of the same. The report also discloses that the prosecutrix was interviewed for psychological distress which the prosecutrix does not suffer from.

5. The final opinion given by the Board was that the prosecutrix is agreeable to continue the pregnancy till onset of spontaneous labour followed by adoption and was not under psychological distress on the date she was examined.

6. Under the circumstances, in view of the aforementioned report of the Board, this court request the State to ensure that as desired by the prosecutrix, that immediately upon the delivery of child, the State shall take all necessary steps in accordance with the applicable law to facilitate the exercise of adoption. It shall also ensure that the prosecutrix is not compelled even for a single day to have the mental pressure of having to tend for the infant.

7. It is also imperative to direct the State herein to take a blood sample of the new born child and hand the same over to the Investigating Officer of the case (as told by the learned counsel for the petitioner, the investigation

is still in progress) so that the same is available for DNA profiling of the new born infant with that of the accused and the prosecutrix. The blood sample shall be collected in the presence of the I.O.in accordance with law and handed over to the I.O., who shall be informed prior in point of time about the entire exercise. Thereafter the I.O. shall send the said sample along with the blood samples of the accused and the prosecutrix to the F.S.L. Department for DNA profiling, the report of which shall be annexed along with the charge sheet at the time of filing the same before the trial court.

8. The identity of the prosecutrix, being the mother of the child given up in adoption, shall be masked so that the same remains unknown protecting the privacy of the prosecutrix.

9. It is also essential to mention here that the report of the Board was received in a sealed cover which was opened by the Bench Secretary and handed over to the court and which, after perusal, has been resealed and placed on record.

10. With the aforesaid observation, the writ petition is disposed of.

(Siddharth Nandan,J.) (Atul Sreedharan,J.)

March 10, 2026

Sumit K.