



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

**BEFORE**

**HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

**ON THE 9<sup>th</sup> December, 2024**

**W.P.No.36944/2024**



*Versus*

*State of M.P & others*

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Appearance:

*Shri Rishi Anand Choukse- Advocate for the petitioner.*


*Ms. Bhagyashree Gupta- Govt.Advocate for the respondent.*

*Shri M.S.Solanki- Advocate for respondent no.4.*

*Ms. Archana Maheshwari -Advocate for the mediator.*

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**ORDER**

1] This petition has been filed by the petitioner under Article 226 of the Constitution of India seeking medical termination of pregnancy of the petitioner, who is seeking termination of her pregnancy on account of a matrimonial dispute which has arisen with her husband, the respondent no.4 herein, and an FIR at Crime No.875/2024 on 5.11.2024 has also been lodged by her under Sections 85,296,115(2),3(5) and 351(3) of Bhartiya Nyaya Sanhita, 2023 alleging cruelty by her husband  the respondent no.4 herein



and his family members.

2] On 27.11.2024, when the matter came up for hearing before this Court, this Court directed the Chief Medical and Health Officer District Hospital Dewas to ascertain if the pregnancy of the petitioner can be terminated, and on 4.12.2024, it was informed by the counsel for the respondent State that as per the medical board the petitioner is fit for termination of pregnancy. On the said date, respondent no.4 also appeared before this Court and this Court referred the matter for mediation to Ms. Archana Maheshwari, mediator to explore the possibility of the settlement between the parties. However, as per thereport dated 7/12/2024, submitted by Ms. Archana Maheshwari, the mediator, it is informed that the mediation proceedings have failed. Thus, the matter has been listed today before this Court for orders.

3] The petitioner and respondent no.4, who were also heard in person in Chambers (of this Court), and this Court again inquired if there is any possibility of settlement between them as the petitioner is seeking termination of her pregnancy on account of matrimonial dispute only, however, the petitioner has categorically stated that she does not wish to continue with her pregnancy as she is already having serious differences with her husband, and as a result of which she has



also lodged the FIR, and in case the pregnancy is not terminated at this stage only, she would suffered irreparably for the rest of her life as the future of her child would be also jeopardised on account of dispute between her and her husband, the respondent no.4.

4] Respondent no.4 on the other hand has submitted that there is no such dispute which cannot be settled between them and has stated that he wish to continue with the pregnancy of his wife.

5] Heard. Having considered the rival submissions and on perusal of the documents filed on record, and also taking note of the decision rendered by the Supreme Court in the case of **X Vs. Principal Secretary Health and Family Welfare Department Govt. of NCT of Delhi and another** reported as 2022 SCC onlince SC 1321 as also the order passed by this Court passed in W.P.No.13893/2023 on 23.6.2023, in the case of **PALAK KHANNA Vs. State of M.P and others** wherein this Court has also relied upon the aforesaid judgement by the Supreme Court, this Court is of the considered opinion that on account of the petitioner's dispute with her husband which has already led her to file FIR at Crime No.875/24 alleging domestic violence, it would not be proper if she is forced to continue with the pregnancy which



she does not want, as the same would certainly seriously affect her future course of life and also the life of her child .

6] In such circumstances, this Court is inclined to allow the petitioner and accordingly, it is directed to the Chief Medical and Health Officer, District Dewas to proceed further with the termination of pregnancy of the petitioner at the earliest. .

7] The petitioner is directed to appear before the Chief Medical and Health Officer, District Dewas at 11.00 AM on 11.12.2024 for the aforesaid.

8] Accordingly, the writ petition stands allowed and disposed of.

**(SUBODH ABHYANKAR)**  
**JUDGE**

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