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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 233/2019

SH. B. S. MATHUR

..... Petitioner

Through: None.

versus

STATE OF NCT AND ANR.

..... Respondents

Through: Mr Gautam Narayan, ASC,
GNCTD with Ms Mahamaya
Chatterjee and Ms Shivani Vij,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.03.2019

1. The above captioned petition was disposed of by an order dated 11.01.2019. It has now been listed on the basis of an Office Note generated in view of a letter received from the Institute of Human Behaviour and Allied Sciences (IHBAS), seeking further directions.
2. The petitioner had filed the present petition, *inter alia*, praying that directions be given to provide proper medical care and treatment to his son, who is unable to take decisions on his own. It was stated in the petition that the petitioner's son is suffering from mental illness and had refused to come out of his room. It was also averred that he was threatening to harm himself and his parents.
3. In view of the averments made in the petition, this Court by an order dated 11.01.2019, had directed the officer in-charge of the police

station (SHO, Malviya Nagar) to visit the petitioner's residence and take an informed decision as to whether any further action is required in terms of the Mental Healthcare Act, 2017. This Court had further directed that if the SHO is satisfied, he shall ensure that the petitioner's son is taken to the IHBAS. The doctors at IHBAS were further directed to examine the petitioner's son and advise regarding further steps required to be taken.

4. This Court is informed that in compliance with the aforesaid order, the petitioner's son was brought to the IHBAS OPD on 28.02.2019 by his family members and police officials. The petitioner's son has been evaluated and has been diagnosed with paranoid schizophrenia. The Associate Professor of Psychiatry, IHBAS, has also sent a letter dated 06.03.2019, stating that an order for admission under Section 102(1)(b) of Mental Healthcare Act, 2017 is required as that would be in the best interest of the patient.

5. In terms of Section 102(1)(b) of the Mental Healthcare Act, 2017, an order for authorizing admission can be made by a Magistrate where a person with mental illness appears or is brought before a Magistrate.

6. In the aforesaid circumstances, it would be necessary for the patient (petitioner's son) to be brought before the Magistrate so as to enable him to pass appropriate orders under Section 102(1)(b) of the said Act.

7. In this view, the concerned SHO is directed to produce the petitioner's son before the concerned Magistrate (MM-3 – Mr Anuj Kumar Singh) for passing appropriate orders under Section 102(1)(b) of the said Act. The Registry of this Court is also directed to send a copy of the present petition along with the letter received, to the concerned

Magistrate by a Special Messenger forthwith, and in any event, not later than three days from today.

8. No further orders are required to be passed in this petition.

9. This Court also expresses its gratitude for the assistance rendered by Mr Gautam Narayan, ASC, GNCTD in this matter.

10. The concerned SHO shall produce the petitioner's son before the Magistrate on 28.03.2019, at 10:30 AM.

11. The Registry is also directed that a copy of this order be served on the concerned SHO immediately.

12. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

MARCH 13, 2019
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