



1

W.P.(MD)NO.12723 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12723 of 2022 and
W.M.P.(MD)No.9023 of 2022

XXXX

... Petitioner

Vs.

1. The Dean,
Madurai Rajaji Medical Hospital,
Maudurai.
2. Head of the Department of Psychiatry,
Madurai Rajaji Medical Hospital,
Madurai.
3. The Inspector of Police,
Thirumangalam Town Police Station, Madurai.
4. M. Vairavaperumal,
S/o.Thiagarajan, Security Officer,
Thiyagarajar Mill Private Limited, Kappalur,
Madurai.
(R3 & R4 are *suo motu* impleaded vide order
dated 21.06.2022)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to conduct assessment of the mental health of the petitioner's son RV, presently aged about 41 years, at the petitioner's home within a stipulated time.



For Petitioner : Mr.I. Irulappan

For R-1 to R-3 : Mr.M. Prakash,
Additional Government Pleader.

For R-4 : Mr.VR. Shanmuganathan

* * *

ORDER

Heard the learned counsel on either side.

2. The son of the petitioner RV is suffering from schizophrenia. Under such mental condition, he had gone to the premises of a mill in Madurai and picked up quarrel with the security personnel and claimed that he is the Proprietor of the mill. Crime No.289 of 2019 was registered on the file of the Thirumangalam Town police station, for the offences under Sections 447 and 294(b) of IPC.

3. Investigation was taken and final report was filed. The jurisdictional Magistrate took cognizance of the case in S.T.C.No.33 of 2020. At this stage, the present writ petition came to be filed.



WEB COPY

4. It is well settled that the acts committed by persons who are mentally ill will not amount to punishable offence. The petitioner's son ought not to have been prosecuted. Since the petitioner's son did not have any medical certificate, the present writ petition came to be filed.

5. I suggested to the learned counsel appearing for the defacto complainant that considering the petitioner's son's mental condition, the prosecution could be given a quietus. I am happy to record that Thiru.T.Kannan, Managing Director, Thiagarajar Mills Private Ltd., has shown exceptional grace and informed the Court that he will not have any objection for closing the prosecution. The learned counsel appearing for the defacto complainant submitted that the petitioner must exhibit greater care and ensure that incidents of this nature ought not to ever recur.

6. It appears that on quite a few occasions, the petitioner's son had conducted himself in such a manner. The petitioner has filed an affidavit undertaking to be more



vigilant and ensure hereafter that his son does not trespass into the premises of Thiyagarajar Mills. The said undertaking is recorded.

7. In view of the same, this writ petition stands disposed of. The proceedings in S.T.C.No.33 of 2020 on the file of the learned Judicial Magistrate, Thirumangalam, is quashed. Registry is directed to communicate a copy of this order to the learned Judicial Magistrate, Thirumangalam. No costs. Consequently, connected miscellaneous petition is closed.

03.08.2022

Index : Yes / No

Internet : Yes/ No

PMU



WEB COPY



To:

1. The Dean,
Madurai Rajaji Medical Hospital,
Maudurai.
2. Head of the Department of Psychiatry,
Madurai Rajaji Medical Hospital,
Madurai.
3. The Inspector of Police,
Thirumangalam Town Police Station, Madurai.



WEB COPY



6

W.P.(MD)NO.12723 OF 2022

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.12723 of 2022

03.08.2022