



Crl.O.P.No.12663 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2024

CORAM:

THE HON'BLE MR.JUSTICE C.SARAVANAN

Crl.O.P.No.12663 of 2024

S.Kuppu Ammal,
W/o. Shanmuga Mudaliar

... Petitioner

Vs.

1. The Superintendent of Police,
Vengikkal,
Tiruvannamalai,
Tiruvannamalai District-606 604.

2. The Inspector of Police,
Kannamangalam Police Station,
Kannamangalam Arani Taluk,
Tiruvannamalai District-632 311.

... Respondents

PRAYER : Criminal Original Petition filed under Sec.482 of Criminal Procedure Code, to direct the respondents to procure mentally ill person Ms.Vanitha, aged about 45 years presently loitering in front of petitioner's house and produce her before the appropriate Public Mental Health Care hospital.



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For Petitioner : Mr.K.Elango

For Respondents : Mr. S.Vinoth Kumar
Govt. Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to direct the respondents to procure Ms.Vanitha, aged about 45 years presently loitering in front of petitioner's house and produce her before the appropriate Public Mental Health Care Hospital.

2. According to the petitioner, the said person named Vanitha, aged about 45 years has put a bed in front of the gate of petitioner's house and is alleging that the petitioner had promised to get her marriage to her son twenty five years ago. It is submitted that petitioner has no recollection of the said Vanitha and all of a sudden she is harassing the petitioner. According to the petitioner, the said person is mentally ill and has to be admitted in a hospital and be dealt in accordance with the provisions of Mental Health Care Act, 2017.



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3. To substitute the case, the photographs of the said opposite lady squatting in front of the petitioner's house has been filed as a documents at page No.14 of typed-set filed in support of the present petition.

4. The learned Government Advocate (Crl. Side) for the respondents would submit that the said lady had given a complaint on 08.08.2024 and she has reportedly asked the petitioner to return her jewels, which was taken up by petitioner's son. It is submitted that the complaint of opposite lady does not reveal that she is mentally ill. The learned Government Advocate (Crl. Side) has shown a copy of the complaint of the said person.

5. Heard the learned counsel for petitioner and learned Government Advocate (Crl. side) for the respondent and perused the materials available on record before this Court.

6. *Prima facie*, it appears that the attitude of the said person appears to harass the petitioner as she has put up a cot in front of the gate of petitioner's house. Whether she is entitled to the relief as she claimed



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against the petitioner or not has to be worked out in the manner known to law. She cannot squat in front of petitioner's house.

7. Under these circumstances, the respondent is directed to depute a posse women police to remove the said person from the front of petitioner's house and take appropriate steps to rehabilitate her, in case she deserves any care under the Mental Health Care Act, 2017. It is made clear no violence shall be used against the said person. If the person has no means to litigate, she may be referred to the District Legal Services Authority. This exercise is to be carried/exercised immediately by end of this week.

8. With the above direction, this Criminal Original Petition is disposed of.

24.05.2024

Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order

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To



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2. The Inspector of Police,
Kannamangalam Police Station,
Kannamangalam Arani Taluk,
Tiruvannamalai District-632 311.
3. The Public Prosecutor,
High Court, Madras.

C.SARAVANAN, J.



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