



CrI.O.P.(MD)No.2632 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.(MD)No.2632 of 2024

P.R.Sasikumar

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2. The Assistant Commissioner of Police,
Temple Range,
Madurai.

3. The Inspector of Police,
Theppakulam Police Station,
Madurai City.

4. Priyadharshini

5. The Dean,
Madurai Medical College,
Madurai.

6. The Head of the Department (Psychiatry)
Madurai Medical College,
Madurai.

... Respondents

***(R-5 & R-6 are suo motu impleaded, vide Court order,
dated 22.02.2024 in CR.O.P.(MD)No.2632 of 2024)***



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Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the third Respondent to provide adequate police protection to provide treatment as order in MHRBA No.6 of 2023 dated 28.11.2023 on the file of the Mental Health Review Board, Madurai, to the wife of the Petitioner and on the basis of his representation dated 19.12.2023 and for other reliefs.

For Petitioner : Mr.S.Thangaraj

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Criminal side)

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition against the Respondent Police to give adequate police protection to the Petitioner.

2.The learned Counsel for the Petitioner submitted that the Petitioner was employed in I.T sector as a Manager in Abudhabi. During Covid lock down, the Petitioner came back to India. In the course of time, the Petitioner found that his wife was suffering from mental illness. Therefore, the Petitioner had taken her to Psychiatrist, Anna Nagar, Madurai. The



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Psychiatrist, Ram Psychiatry Hospital, Anna Nagar, Madurai, had diagnosed and found that the wife of the Petitioner is suffering from delusional disorder, sleep disturbance, anger, tension, shouting, incoherent talk, irritability excess talk, quarrelling with everyone and the Doctor had prescribed medicines also. While so, the fourth Respondent, who is the classmate of the Petitioner's wife from her school days had de-friended her and on her advise, the Petitioner's wife avoided meeting her husband. Also, the children was prevented from meeting the Petitioner. It is the further submission of the learned Counsel for the Petitioner that because of the evil advice from the fourth Respondent, the Petitioner's wife is not co-operating for treatment for her mental illness and also the fourth Respondent had been misusing the relationship to get undue advantage of the financial capacity of the Petitioner. Also, the Petitioner apprehends that due to the mental illness of his wife, the fourth Respondent may explode the situation to her advantage, thereby, grabbing the properties and the money under the custody of the Petitioner's wife. Therefore, the Petitioner lodged a complaint with the third Respondent seeking the help of the Police Department under the Mental Health Act, particularly under Section 100 of the Mental Health Care Act 2017, wherein, duties of the Police officers are stated.



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3.The learned Government Advocate (Criminal side) on instructions from the Respondents No.1 to 3 submitted that based on the complaint of the Petitioner, the Respondents 1 to 3 summoned the Petitioner's wife and she had spoken cogently. The Petitioner's wife also produced the certificate issued to her from the Meenakshi Mission Hospital and Research, where it is stated that there is no evidence of any psychopathology.

4.In the light of the conflicting medical opinion regarding the conduct of the Petitioner's wife, the Respondents 2 to 3 shall summon the Petitioner and his wife and with their co-operation produce both of them before the Medical Board constituted by the Dean, Madurai Medical College for their medical test and to arrive at a conclusion whether any of them or both of them are suffering from any illness and to furnish the result before this Court.

5.In the light of the arguments made by both the parties, the Dean of the Madurai Medical College and the Head of the Department, Psychiatry, Madurai Medical College, Madurai are *suo motu* impleaded as a necessary party in this petition as Respondents No.5 and 6. The Dean, Madurai Medical College, Madurai, shall constitute a Medical Board regarding the same and evaluate the Petitioner and his wife and give a medical opinion



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under the Mental Health Care Act, 2017, to this Court.

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

22.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
jbr

To

- 1.The Commissioner of Police,
Madurai City,
Madurai.
2. The Assistant Commissioner of Police,
Temple Range,
Madurai.
3. The Inspector of Police,
Theppakulam Police Station,
Madurai City.
4. The Dean,
Madurai Medical College,
Madurai.
5. The Head of the Department (Psychiatrist)
Madurai Medical College,
Madurai.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SATHI KUMAR SUKUMARA KURUP, J.,

jbr

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