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W.P.(Criminal)No.456 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.08.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.P.(Criminal)No.456 of 2025

--

Chandra Selvanayagam

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Health and Public Welfare Department,
Fort St. George, Chennai - 600 009.

2.The Inspector of Police,
Delta-2 Cyber Crime,
Central Crime Branch (CCB),
Vepery, Chennai - 600 007.

3.Gift Jesubalan Selvanayagam

.. Respondents

Writ Petition is filed for issuance of Writ of Mandamus directing the second respondent herein to send the third respondent herein being petitioner's son Gift Jesubalan Selvanayagam to the Government Institute of Mental Health, Kilpauk, Chennai - 600 010, to keep him in custody and for future treatment to him for the disease Schizophrenia and mental disorder.

For petitioner : Mr.M.Thomas Acquinas

For respondents: Dr.C.E.Pratap

Government Advocate (Criminal Side) for R1 & R2



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ORDER

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The petitioner, a senior citizen and mother of the third respondent, has filed this petition seeking a direction to the second respondent to admit her only son, the third respondent herein, to the Government Institute of Mental Health, Kilpauk, Chennai-600 010, for custodial psychiatric treatment, as he is suffering from Schizophrenia and related mental disorders.

2. It is the grievance of the petitioner that although her son had a meritorious academic background, he has been suffering from mental illness for several years. He underwent psychiatric treatment in various hospitals from 2012 to 2016 but subsequently discontinued medication. As a result, he has become violent, unpredictable, and uncontrollable.

3. The petitioner further submits that the third respondent was arrested on 03.04.2025 by the second respondent police in connection with Crime No.18 of 2025 for alleged offences under Sections 354A, 354D, 385, 506(2) IPC; Sections 67 and 67A of the IT Act; Sections 74, 78, 308(3), and 351(3) of the Bharatiya Nyaya Sanhita, 2023; and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. He was remanded to judicial custody and was later released on bail by order dated 14.05.2025 in CrI.M.P. No.3825 of 2025 passed by the learned Principal Sessions Judge (Vacation Court), Chennai.

4. After his release from prison, the petitioner managed to secure his custody



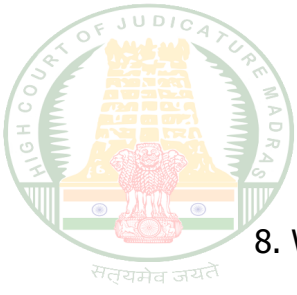
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briefly and took him to the Government Institute of Mental Health, Kilpauk, Chennai, on 29.05.2025. However, during the admission process, the third respondent behaved violently with the medical staff and escaped from the hospital premises. Since then, the third respondent is not in the custody of the petitioner, and his present whereabouts are unknown.

5. The petitioner contends that her son, being mentally unsound and untreated, may pose a danger to himself and others, and that his continued lack of treatment is detrimental to public safety and his own welfare. She seeks appropriate direction to secure his admission and custodial treatment under Sections 85 and 90 of the Mental Healthcare Act, 2017.

6. The learned Government Advocate (Criminal Side), on instructions, submits that no representation has been received from the petitioner till date.

7. Considering the nature of the request and in the interest of justice, the petitioner is directed to submit a detailed representation to the second respondent within a period of one week from the date of receipt of a copy of this order. Upon receipt of such representation, the second respondent is directed to consider the same in accordance with law and take appropriate action within a further period of two weeks thereafter.



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

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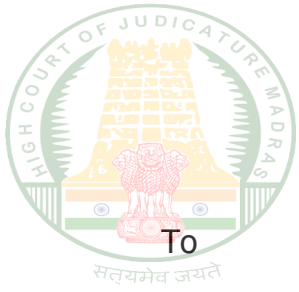
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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No



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To

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- 1.The Secretary to Government,
Health and Public Welfare Department,
Fort St. George, Chennai - 600 009.
- 2.The Inspector of Police,
Delta-2 Cyber Crime,
Central Crime Branch (CCB),
Vepery, Chennai - 600 007.
2. The Public Prosecutor, Madras High Court, Chennai.



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