



2025:DHC:694-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 4th February, 2025.*+ **W.P.(CRL) 235/2025****SHAKTI RANI SHARMA & ORS.**Petitioners

Through: Mr. Vikram Kumar & Mr. Abhinav Kumar, Advs. for Petitioners along with Petitioners in person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Sanjay Lao, Standing Counsel (Crl.) with Ms. Priyam Aggarwal, Mr. Aryan Sachdeva & Mr. Abhinav Arya, Advs. with SI Satish, PS Lajpat Nagar. Mr. Rajesh Mahna, Mr. Ramanand Roy, Mr. Mayank Kouts, Mr. Shiva Narang, Ms. Silky Wadhwa, Ms. Ridhi Mahna, Mr. Mukesh Yadav, Advs. for R-5 along with Dr. Nandita Hazari

CORAM:**JUSTICE PRATHIBA M. SINGH****JUSTICE DHARMESH SHARMA****Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioners under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023, seeking issuance of writ in the nature of *habeas corpus* for the production of one Mr. P.S., aged about 58 years.
3. The Petitioner No.1 is the mother of Mr. P.S. and Petitioner Nos. 2, 3, and 4 are his sisters. The Petitioners allege that the Respondent Nos. 3 and 4, who are the wife and son of Mr. P.S, have illegally admitted him with

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Respondent No. 5/VIMHANS Hospital on 10th January, 2025 with the intention to declare Mr. P.S. as a lunatic and to usurp his properties. After hearing the parties, the Court on the last date *i.e.*, 27th January, 2025 had passed the following directions to verify the veracity of the allegations levelled:

“7. Accordingly, the Director, Institute of Human Behaviour and Allied Sciences (hereinafter “IHBAS”), Delhi is requested to constitute a Medical Board to examine Mr. P.S. and submit a report on the following aspects:

i) Whether Mr. P.S. is suffering from any mental illness? If so, what would be the advice of the Medical Board as to the treatment of Mr. P.S.;

ii) Whether Mr. P.S. is required to be kept detained in a medical establishment or can he undertake his normal activities under medication and supervision of a Psychiatrist, as an out patient?

iii) Whether there are any other steps to be taken in respect of the treatment of Mr. P.S.?

8. The medical examination of Mr. P.S. by the said Medical Board shall be conducted on 29th January, 2025 (Wednesday) / 30th January, 2025 (Thursday).

9. In the meanwhile, Mr. P.S. shall continue to remain in VIMHANS Hospital till the next date of hearing.

10. On the next date, VIMHANS Hospital shall also produce the original medical record of Mr. P.S.

11. Dr. Nandita Hazari shall also appear before the Court on the next date of hearing either physically or virtually, as may be convenient, at 12:30 p.m.

12. Let a copy of this order be communicated



*to Dr. Rajinder K Dhamija, Director, IHBAS,
Delhi, through email (director@ihbas.org)
for necessary information and compliance. ”*

4. Pursuant to the same, the report from the IHBAS has been presented by Mr. Tushar Sannu, the Id. Counsel for IHBAS. A perusal of the said report clearly shows that the IHBAS has also confirmed the diagnosis of Mr. P.S. as to be suffering from **‘Paranoid Schizophrenia’**. The report also confirmed that he would require hospitalisation at least for a period of 2 to 4 weeks. The report from IHBAS is taken on record.

5. Dr. Nandita Hazari, the attending physician from VIMHANS, has also appeared before the Court today and confirms that the patient would require hospitalisation at least 2 to 4 weeks in VIMHANS so that he can be properly counselled to start taking medicines for his medical condition thereafter.

6. The Petitioners, Respondent Nos. 3 and 4 are also present today along with their respective Counsels. An in-chamber interaction was conducted with all the above parties. After consulting and hearing the submissions made on behalf of all the parties, and in view of the report, with the consent of all parties, the following directions are issued:

- i) Mr. P.S. shall remain admitted to VIMHANS Hospital and continue his treatment as an in-patient for the duration as deemed required by the attending medical professionals. Dr. Nandita and her team would look after him along with any other doctors as may be required, at VIMHANS Hospital;
- ii) The three sisters of Mr. P.S. and his mother shall be permitted to meet Mr. P.S. twice a week for about an hour. At the time of meetings, the VIMHANS Hospital shall ensure that some medical attendants are



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present to ensure that the meetings with Mr. P.S. are amicable and no hindrance is caused to the treatment already being given. The sisters have assured the Court that they shall not cause any commotion or indulge in any ill-behaviour during such meetings;

iii) The son and wife of Mr. P.S. shall continue to keep the sisters informed of the treatment prognosis. If the sisters need any additional information, they are free to contact Dr. Nandita Hazari.

7. The petition is disposed of in these terms. All pending applications (if any) are also disposed of.

PRATHIBA M. SINGH
JUDGE

DHARMESH SHARMA
JUDGE

FEBRUARY 4, 2025

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