



W.P.(CrI.)No.1751 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

CORAM:

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

W.P.(CrI.) No.1751 of 2025

and

W.P.M.P.(CrI.) No.816 of 2025

1. A.Malaichamy
2. M.Vijayalakshmi

... Petitioners

Vs.

- 1.The Inspector General of Police
West Zone, Coimbatore.
- 2.The Superintendent of Police
Tiruppur District,
Tiruppur.
- 3.The Inspector of Police
Avinashi Police Station,
Tiruppur District, Tamil Nadu.
- 4.The Dean
Coimbatore Medical College and Hospital,
Coimbatore.

... Respondents

PRAYER: Criminal Original petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C, to directing the Respondent No.1 to 3 to secure Petitioners' son Mr. Mithun Kumar



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Malaichamy and admit him in the 4th Respondent Hospital for mental health care treatment and grant such other relief or reliefs.

For Petitioner : Mr.H.Manivannan
For R1 to R3 : Mr.K.M.D.Muhilan
Additional Public Prosecutor

ORDER

The present Writ Petition (Criminal) has been filed seeking a direction to the respondents 1 to 3 to secure the petitioners' son Mr. Mithun Kumar Malaichamy and admit him in the 4th respondent hospital for mental health care treatment.

2. On 12.01.2026, this Court, taking into consideration the submissions of the learned counsel appearing for the petitioners, passed the following order :

“6. Taking into consideration the mental illness of the son of the petitioners and that the petitioners are taking steps to file a petition under Chapter XIII of the Mental Healthcare Act, 2017 and under Chapter XXVII of BNSS 2023 and that the learned counsel appearing for the petitioners is inclined to withdraw this Writ Petition, post on 19.01.2026.

7. In the meanwhile, the learned Additional Public Prosecutor is directed to get instructions from the jail authorities as to the mental condition of the petitioners' son.”



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3. Today, when the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that the report is awaited.

4. The learned counsel for the petitioners submitted that since the other petition filed under Section 367 of the BNSS read with Section 100 of the Mental Healthcare Act, 2017, is pending before the learned Magistrate, the petitioner may be permitted to withdraw this writ petition (criminal) and a direction may be issued to the learned Magistrate to dispose of the pending petition at the earliest. The learned counsel for the petitioners has also made an endorsement seeking withdrawal of this writ petition (criminal) in the case bundle.

5. In view of the above submissions of the learned counsel appearing for the petitioners and the endorsement made, this Writ Petition (Criminal) is dismissed as withdrawn. The learned Judicial Magistrate No.III, Tiruppur, is directed to consider the petition filed by the petitioners under Section 367 of the BNSS read with Section 100 of the Mental Healthcare Act, 2017, and dispose of the same in accordance with law at the earliest. No costs. Consequently, connected miscellaneous is closed.

19.01.2026

vrc/cad

3/4



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A.D.JAGADISH CHANDIRA, J.

vrc

To

- 1.The Inspector General of Police
West Zone, Coimbatore.
- 2.The Superintendent of Police
Tiruppur District,
Tiruppur.
- 3.The Inspector of Police
Avinashi Police Station,
Tiruppur District, Tamil Nadu.
- 4.The Dean
Coimbatore Medical College and Hospital,
Coimbatore.
5. The Public Prosecutor,
High Court of Madras.

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