

Anamika Chawla

Vs

Metropolitan Magistrate and Others

Writ Petition (Crl.) No. 432 of 1995

(K. S. Paripoornan, S. C. Sen JJ)

01.05.1997

ORDER

1. This case arises out of alleged ill-treatment of Mrs. Anamika Chawla by her husband and his father. The case is going on since 29-7-1995. Smt. Anamika Chawla came up against the order passed by the Metropolitan Magistrate on 29-7-1995 ordering her to be admitted to Delhi Psychiatry Centre, 35, Defence Enclave, Vikas Marg, New Delhi, for observation and treatment. This order was passed with undue haste even without seeing the alleged patient. Medical certificates were produced from Dr. Sunil Mittal and Dr. S. C. Malik. The case of the petitioner, Mrs. Chawla, is that neither of the two doctors had ever met her examined her. The allegation appears to be true.
2. When the application was moved by Mrs. Anamika Chawla, she was staying in Guild of Service Hostel in New Delhi. The warden of the hostel appeared in person and stated that she found Mrs. Chawla's behaviour normal. She was on friendly terms with the other inmates of the hostel. It was also recorded in the order of this Court held on 3-8-1993 that this Court had personally questioned the petitioner and had not noticed any mental aberration but since the medical certificates had been produced before the Magistrate, we wanted to examine the case in greater detail.
3. The case has gone on for a number of days. We heard the doctors and examined the reports, heard all the parties. Mrs. Chawla has appeared before us personally on a number of days. We have spoken to her on all these days. We have not noticed the slightest abnormality in her behaviour.
4. We tried to bring about a reconciliation between the husband and wife but unfortunately no reconciliation could be brought about. The parties were directed to undergo counselling which has gone on for some time. We have seen records sent by the counsellor. We are of the view that no useful purpose will be served by prolonging this case any further.
5. We hold that there was no basis for passing the impugned order dated 29-7-1995 by the Metropolitan Magistrate. The order is quashed. The writ petition filed in this Court by Anamika Chawla is disposed of finally as above. There will be no order as to costs.