

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.T. SANKARAN

&

THE HONOURABLE MR. JUSTICE BABU MATHEW P. JOSEPH

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(Crl.).No. 100 of 2015 (S)

PETITIONER:

RICKY GEORGE, AGED 28 YEARS
S/O GEORGE VARGHESE, ELAVATTA HOUSE, T.C NO 12/371
AKSHAYA GARDENS, NALANCHIRA P.O., KUDAPANAKUNNU
THIRUVANANTHAPURAM

BY ADV. SRI.V.PHILIP MATHEWS

RESPONDENTS:

1. THE DISTRICT POLICE CHIEF, KASARGODE- 671 121
2. THE DISTRICT POLICE CHIEF, MALAPPURAM 676 505
3. THE SUB INSPECTOR OF POLICE,
MALAPPURAM 676 505
4. THE SUB INSPECTOR OF POLICE,
KASARGODE, CHANDERA POLICE STATION
KASARGODE DISTRICT 671 121
5. ALIKUTTY V.P,
VALIYAPEEDIKAKKAL HOUSE,
EDAVANNA P.O, CHEMBAKUTH
MALAPPURAM 676 541.

R1 TO R4 BY GOVERNMENT PLEADER SMT.KOCHUMOL KODUVATH

R5 BY ADV. SRI.K.M.FIROZ

R5 BY ADV. SMT.M.SHAJNA

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
12.03.2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS

EXT P1	COPY OF THE REPRESENTATION DATED 17-01-2015 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT
EXT P2	COPY OF THE RECEIPT ISSUED FROM THE OFFICE OF THE 4TH RESPONDENT
EXT P3	COPY OF THE E-MAIL COMMUNICATION SEND BY NISHMA TO THE PETITIONER

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

AHZ/

**K.T.SANKARAN &
BABU MATHEW P. JOSEPH, JJ.**

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Dated this the 12th day of March, 2015

JUDGMENT

K.T.Sankaran, J.

The petitioner, Ricky George, states that he is in love with Nishma V.P., the daughter of the fifth respondent. The case of the petitioner is that Nishma is under the illegal detention of the fifth respondent.

2. Ricky George, his father, Nishma V.P. and her parents are present. We interacted with all of them. Ricky George is working as Assistant Manager in the State Bank of Travancore at Thrikkarippur, Kasaragod District. Nishma V.P. is studying for BDS Course at Sharavati Dental College, Shimoga. It is stated that she was staying in a hostel there. Later, the parents of Nishma took her out of the hostel and she is now residing with her mother in a rented house at Shimoga.

3. Ricky George and Nishma stated that they want to marry.

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Ricky George is a Christian and Nishma is a Muslim. They cannot marry at present straight away. They can marry only under the Special Marriage Act. Nishma stated that in December, 2014, notice was given under the Special Marriage Act and later she cancelled the same. The father of Nishma stated that what is important at present is the completion of the Course by Nishma and that he is not against Nishma marrying Ricky George thereafter. He submitted that he is prepared to conduct the marriage of Nishma with Ricky George after the completion of the BDS Course by Nishma.

4. Nishma stated that she is prepared to stay in the college hostel of Sharavati Dental College and complete her BDS Course. She stated that she may not be compelled to stay with her mother for the time being. The father of Nishma agreed to this suggestion. He submitted that let Nishma stay in the college hostel and complete her BDS Course.

Accordingly, the Writ Petition (Criminal) is disposed of with the following directions:

a) Nishma V.P. will complete her BDS Course at Sharavati Dental

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College, Shimoga and she will stay in the college hostel till the completion of the Course.

- b) We record the undertaking made by Alikutty V.P.(father of Nishma) that after completing the Course, he will conduct the marriage of Nishma V.P. with Ricky George.
- c) The petitioner would be entitled to visit Nishma at the hostel, subject to the rules and regulations of the hostel. The parents of Nishma also would have the same right.
- d) The expenses for the stay of Nishma in the college hostel will be met by Alikutty (father of Nishma - the fifth respondent), as undertaken by him.
- e) Any of the parties would be entitled to file an interlocutory application in this Writ Petition (Criminal) for appropriate directions, if any of the parties violate any of the conditions mentioned above.

(K.T.SANKARAN)
Judge

(BABU MATHEW P. JOSEPH)
Judge

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