

(2016) 10 DEL CK 0010

In the Delhi High Court

Case No : Writ Petition (Civil) No. 9529 of 2016 and CM No. 38119 of 2016

Ajay Katara

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 19-10-2016

Acts Referred:

Citation : (2016) 4 RCRCivil 883

Hon'ble Judges : Ms. G. Rohini, CJ. and Sangita Dhingra Sehgal, J.

Bench : Division Bench

Advocate : Saurabh Nangia, Advocate, for the Petitioner; Ms. Shiva Lakshmi, CGSC with Ruchir Ranjan, Advocate, for the Respondent Nos. 1 and 2

Final Decision : Dismissed

Judgement

Ms. G. Rohini, Chief Justice, J.—The present writ petition has been filed as a Public Interest Litigation with a prayer to restrain respondent No.3/Magical Dreams Productions Pvt. Ltd. from releasing the movie "31st October" on the scheduled date i.e. 21st October, 2016 in the theatres/other media and directing the respondents to delete offensive scenes from the movie before it releases in the cinemas.

2. It is the case of the petitioner that the movie produced by respondent No.3 was contrary to the ideology of the oldest political party of the country of which the petitioner herein is a follower. It is also alleged that the aforesaid movie encapsulates the happenings after the death of the then Prime Minister of India pertaining to 1984 Sikh Riots and also contains several scenes targeting the political figure of this country. The grievance of the petitioner is that tarnishing the image of an individual is violative of the fundamental rights enshrined in the Constitution of India and therefore release of the movie needs to be stopped forthwith.

3. We have heard Mr. Saurabh Nangia, the learned counsel appearing for the petitioner.

4. Ms. Shiva Lakshmi, CGSC who appeared on behalf of the respondent Nos.1 & 2 submitted on instructions that the movie in question was cleared with "A" certificate by CBFC following due process of law. It is brought to our notice by the learned CGSC that the applicant/producer himself deleted as many as 21 visuals voluntarily and then the revised version was examined on 01.09.2015 by the Examining Committee of CBFC and the movie was passed for "A" certificate, subject to three more deletions. It is also submitted that CBFC is concerned only with certification of films/promos/songs for theatrical and satellite T.V. purpose and that it has no control over the social media.

5. It is relevant to note that the entire writ petition is based on video trailer stated to have been made available on internet/You Tube. So far as the posters of the movie placed on record are concerned, we are of the view that the same is not sufficient to arrive at a conclusion that the contents of the film are objectionable as sought to be contended by the petitioner.

6. At any rate, since the movie has been certified by CBFC/statutory authority in accordance with the guidelines made under the Cinematograph Act, 1952 for certification of films for public exhibition, no interference is warranted by this Court on the basis of the vague and unsubstantiated allegations in the writ petition.

7. The writ petition, which is devoid of merit, is accordingly dismissed.

8. No costs.