

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

TUESDAY, THE 11<sup>TH</sup> DAY OF APRIL 2023 / 21ST CHAITHRA, 1945

WP(C) NO. 24767 OF 2021

**PETITIONERS:**

SEBIN THOMAS  
AGED 35 YEARS, S/O LATE THOMAS,  
THAIPARAMBIL HOUSE, AIMS,  
PONEKKARA P.O, EDAPPALLY NORTH,  
KOCHI-682041.

BY ADV SEBIN THOMAS(Party-In-Person)

**RESPONDENTS:**

- 1 THE UNION OF INDIA  
REPRESENTED BY THE SECRETARY OF THE  
HOME DEPARTMENT OF THE UNION OF INDIA,  
MINISTRY OF HOME AFFAIRS, NORTH BLOCK,  
CENTRAL SECRETARIAT, NEW DELHI-110001.
- 2 STATE OF KERALA  
REPRESENTED BY ADDL.CHIEF SECRETARY TO  
GOVERNMENT HOME DEPARTMENT, GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 3 NATIONAL CENTRAL BUREAU  
(INTERPOL) NEW DELHI,  
CENTRAL BUREAU OF INVESTIGATION,  
PLOT No.5B.6<sup>TH</sup> FLOOR, A WING G.O.COMPLEX,  
LODHI ROAD, NEW DELHI-110003,  
REPRESENTED BY ITS ASSISTANT DIRECTOR.
- 4 WAYFARER FILMS PRIVATE LIMITED,  
DOOR NO.45/2425, (OLD No.32/2988A)  
AYSHA ROAD, PONNURUNNI, VYTTILA P.O.  
COCHIN-682019, REPRESENTED BY ITS DIRECTOR.
- 5 M.STAR ENTERTAINMENTS  
INDEL HOUSE, CHANGAMPUZHA NAGAR, SOUTH  
KALAMASSERY, KOCHI, KERALA, INDIA-682033,  
REPRESENTED BY ITS AUTHORISED PERSON.

ADDL.6 CENTRAL BOARD OF FILM CERTIFICATION(CBFC)  
REPRESENTED BY THE REGIONAL OFFICER,  
REGIONAL OFFICE, MINISTRY OF INFORMATION  
TECHNOLOGY, THIRUVANANTHAPURAM.

[ADDITIONAL RESPONDENT NO.6 IS IMPEADED AS PER  
ORDER DATED 24/05/2022 IN WP(C).]

BY ADVS.  
MANU S., ASG OF INDIA  
G.SHRIKUMAR (SR.)-R4  
K.JAJU BABU (SR.)-R5  
P.FAZIL  
SAJU THALIATH  
ANESH PAUL  
JITHIN PAUL VARGHESE

**OTHER PRESENT:**

JAISHANKER V NAIR CGC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 11.04.2023, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**J U D G M E N T**

Dated this the 11<sup>th</sup> day of April, 2023

**S. Manikumar, CJ**

Instant Public Interest Litigation is filed, seeking for a writ of mandamus or any other appropriate writ, direction or order directing the Secretary to Home Department of Union of India and the Additional Chief Secretary to Government, Home Department, Thiruvananthapuram/respondents 1 and 2 to stop the release/publication of the motion movie “Kurup” produced by respondents 4 and 5, in any means available.

2. Petitioner has further sought for a mandamus directing respondents 1 and 2, to protect the right to privacy of ‘proclaimed offenders’, under Article 21 of the Constitution of India.

3. Short facts leading to filing of the writ petition are that; The above petition is filed by the petitioner as a public interest litigation to direct 1<sup>st</sup> and 2<sup>nd</sup> respondent to protect the privacy of the proclaimed offenders and direction to the respondents to stop the release of the motion movie ‘Kurup’ produced by the 4<sup>th</sup> and 5<sup>th</sup> respondent. The said movie based on the biography of Mr.Sukumara Kurup, a proclaimed offender in Crime No.22/84 of Mavelikara Police Station. The release of the movie shall affect the

right to privacy of Sukumara Kurup, a proclaimed offender. The Hon'ble Supreme Court in its historical Judgment in ***Justice K.P Puttaswamy and others v. Union of India and Others*** [AIR 2017 SC 4161] affirmed the Constitutional Right to Privacy.

4. The 2<sup>nd</sup> respondent, being the custodian of the properties of the proclaimed offender, are duty bound to protect his right to privacy. The proclaimed offender is being a citizen of India, the 1<sup>st</sup> respondent is duty bound to protect his rights as an accused under Articles 20 and 21 of the Constitution of India.

5. Petitioner has further stated that being a proclaimed offender, his rights under Article 21 of the Constitution are affected. Therefore, the rights of proclaimed offenders are vested with the Government till they continue to become proclaimed offenders. Hence, respondents 1 and 2 have the first charge over the rights of proclaimed offenders. The publication of a movie on the life of the proclaimed offender has to be prevented since it is a clear violation of the fundamental right of the underprivileged section of the State. The infringement over the right to privacy of the proclaimed offenders have to be prevented.

6. In the above circumstances, petitioner has preferred this writ petition for the reliefs stated supra.

7. Refuting the averments in the writ petition, the Executive Director of Wayfarer Films Pvt. Ltd./respondent No.4 has filed a counter affidavit, contending that the petitioner, who is an Advocate, has filed this Public Interest Litigation seeking for a writ of mandamus to stop the release of the motion movie 'Kurup'. Since the movie has already been released on 12.11.2021, the said prayer has become infructuous. It is also contended that the further prayer to protect the privacy of 'proclaimed offenders' is not maintainable in law.

8. It is further contended that as evident from the writ petition, the grievance of the petitioner is based on certain articles published in the online version of the Hindu newspaper and information about the movie available in Wikipedia. Said contents are not directly related with the 4<sup>th</sup> respondent and any of them did not amount to official communication as regards the movie from its producers.

9. It is also contended that the movie 'Kurup', obtained a certification from Central Board of Film Certification and the same is thus, declared as fit for exhibition in the public platform, by the certifying authority.

10. In the counter affidavit, the 4<sup>th</sup> respondent has further contended as under:

"A. The averments and allegations contained in paragraph 1, 2 and 3 of the Writ Petition are not fully correct and hence denied. The averment to the effect that the movie "Kurup" is the biography of Mr. Sukumara Kurup, the proclaimed offender in Crime No.22/84 of Mavelikkara Police Station is not correct. The said movie is not a documentary, but a work of fiction and does not accurately reflect or depict the incidents or events in the life of Mr. Sukumara Kurup. However, information as regards Mr. Sukumara Kurup available in public domain has been used for cinematic reasons and for dramatizing the performances portrayed in the movie. Further, the makers of the movie have no intention to interfere with administration of just or fair trial. The said aspects have been clearly communicated in the disclaimer shown before the movie. The disclaimer also clarified the fact that if at all any events shown in the motion picture resembles any real events or places or characters, it is unintentional and purely coincidental.

B. It is further submitted that any publication concerning private life of a person would become unobjectionable if such publication is based upon public records including court records. The crime committed by Mr. Sukumara Kurup among other co-accused is already part of court records and is discussed in the judgment of this Court, reported as **Ponnappan v. State** (19942 ILR (Ker.) 370). The said judgment and other court records are public documents and can be accessed by any person. It is common that movie makers get

inspiration from their surroundings and they wisely use these to improve their creative imagination. Honourable Supreme Court in ***R. Rajagopal v. State of Tamil Nadu*** [(1994) 6 SCC 632] has considered in detail a similar issue wherein question arose as to whether publication of autobiography of the condemned prisoner, Auto Shankar would amount to violation of his privacy. Supreme Court has observed as follows (Para 26):-

"(2) The Rule aforesaid is subject to exception, that any publication concerning the aforesaid aspects becomes unobjectionable if such publication is based upon public records including Court records. This is for the reason that once a matter becomes a matter of public record, the right to privacy no longer subsists and it becomes legitimate subject for comment by press and media among others."

C. Telangana High Court in ***Ramagpal Varma and another v. Perumalla Amrutha***, (citation 'nil'), while dealing with a similar instance of a movie based on a crime, held that once the matter becomes a matter of record, the right to privacy is no longer subsisting and it becomes a legitimate subject for comment for press and other media. It was also held therein that when events which occurred in the life of a person are already in public domain they cannot plead any violation of right to privacy when third parties are making a movie based on such events.

D. Further, it is submitted that the person whose privacy is alleged to have been infringed herein is a proclaimed offender and he continues to be so for the past several years. He has been evading the process of law for so many years. Since the proclamation under Section 82 of the Code of Criminal Procedure is pending against him, the information

about him is known to everyone and which is already in the public domain. A private person can even arrest him under Section 43 of Code of Criminal Procedure and the proclaimed offender is not entitled for anticipatory bail. Hence, law provides no leniency for a proclaimed offender who is hiding from law and is showing no respect to the legal system of this country.

E. The statement of facts contained in paragraph 4 to 8 are the true extracts from ***Ponnappan v. State*** reported in 1994 (2) ILR (Ker.) 370 and the said facts are already in public domain and is not related with the 4<sup>th</sup> respondent. The said decision is concerning the Criminal Appeal filed by the co-accused of Mr. Sukumara Kurup who were also involved in the murder along with Mr.Sukumara Kurup. These facts are already in public domain as already stated by this respondent.

F. The averments in paragraph 9 are stated as on the basis of the events in connection with L.P. No. 16 of 1989 and are not within the knowledge of this respondent. The allegation in paragraph 9 that this respondent is publishing look out notice under the guidance of 1<sup>st</sup> respondent is totally false, incorrect and hence denied. This respondent is a private limited company who is engaged in the business of film production.

G. The averments and allegations contained in paragraph 10 against this respondent are denied at the very outset. It is true that the motion picture Kurup is co- produced by the 4<sup>th</sup> and 5<sup>th</sup> respondents, however, the same has not infringed the right to privacy of Mr. Sukumara Kurup who is a proclaimed



offender as mentioned in the writ petition. Further, there is no requirement for seeking prior permission and this respondent has not violated the right to privacy of Mr.Sukumara Kurup by any means.

H. The averments Contained in paragraph 11 pertains to the right of a proclaimed offender and the duty of the State to protect the same. Since the motion picture 'Kurup' does not affect the fundamental right of privacy of any of such person, this respondent is not in any manner connected with the allegation of infringement of right to privacy in any manner."

11. On behalf of the 5<sup>th</sup> respondent, Director, M-Star Satellite Communications Pvt. Ltd., has filed a counter affidavit, in which, it is averred as under:

"A. At the outset, it is submitted that the petitioner, an Advocate by profession has no real and genuine grievance in this matter. As evident from the writ petition, the grievance for the present writ petition had arisen from the reading of some content in an article published in the Hindu Net Desk and an article published in Wikipedia, which are not any official material related with the movie, or is connected with this respondent. The petitioner had omitted to bring the authors of such article into the party array of this writ petition for the reasons best known to him. However, the writ petition was filed just before the releasing of the movie and the allegation raised by the petitioner is solely based on those articles, which he had produced along with the writ petition as Exhibits P1 and P2. If the right to privacy of

the proclaimed offender was the real concern of the petitioner, he would have made the said publishers in to the party array instead of making 4<sup>th</sup> and 5<sup>th</sup> respondents as party to this writ petition. He had filed this public interest litigation only to prevent the release of the motion picture 'Kurup'. Movie shooting commenced on 01.09.2018 with wide publicity in print and visual media. Shooting was completed on 23.02.2020 spending Crores, apart from the time and energy spend by the actors, director and technicians etc. Thereafter, agreements were entered into for distribution and the film was released in theaters on 12.11.2021 and OTT platform 15.12.2021. It was welcomed by audience and acclaimed by critics. The prayer to stop the release of the movie has become infructuous. The fact that the writ petition was filed on 09.11.2021, three days prior to date of release of movie, i.e 12.11.2021 would show that the intention of the petitioner is not genuine.

B. It is further submitted that the averments and allegations contained in paragraphs 1, 2 and 3 of the writ petition are not fully correct and hence denied. The averment to the effect that the movie "Kurup" is the biography of Mr. Sukumarakurup, the proclaimed offender in Crime No.22/84 of Mavelikkara Police Station is not correct. During the screening of the movie, respondents have included a Disclaimer stating that the acts and events shown in the motion picture do not have any resemblance to any person living or dead. The disclaimer also made it clear that there are fictional characters included, which definitely nullify the

allegations of using real story of a person living, dead or a proclaimed offender. The disclaimer also clarified the fact that if at all any events shown in the motion picture resembles any real events or places or characters it is unintentional and purely coincidental. Further the disclaimer published at the beginning of the movie also clarifies that the producers of the movie have no intention to Interfere with the process of law. True copy of the disclaimer shown in the movie is produced herewith and marked as Exhibit-P5(a). Therefore, the allegation that the motion picture" Kurup would affect the right to privacy of Mr. Sukumara Kurup, a proclaimed offender is not correct as alleged in the writ petition.

C. Further, it is respectfully submitted that the person whose privacy is alleged to have been infringed herein is a proclaimed offender and he continues to be so for the past several years. He has been evading the process of law for so many years and his identity was concealed from the law enforcing agencies. Since the proclamation under Section 82 of the Code of Criminal Procedure is pending against him, the information about him is known to everyone and which is already in the public domain. A private person can even arrest him under Section 43 of Code of Criminal Procedure. The Hon'ble Supreme Court in ***State of Madhya Pradesh v. Pradeep Sharma*** (2013 KHC 4942) and this Court in ***Suresh A.P. v. Circle Inspector of Police, Kuttiadi Police Station and Others*** [2016 (1) KHC 468] held that a proclaimed offender is not even entitled for an anticipatory bail.

D. It is further submitted that any publication concerning private life of a person would become unobjectionable if such publication is based upon public records including court records. The crime committed by Mr. Sukumara kurup among other co-accused is already part of court records and is discussed in the judgment of this Court in ***Ponnappan v. State*** [1994 (2) KLT 1027]. The said judgment and other court records are public documents and can be accessed by any person. It is common that the writers get inspiration from their surroundings and they wisely use these to improve their creative imagination. Only because the story gets inspiration from the life story of a proclaimed offender does not mean that the story is completely the life story of that person and the publication of that story would affect the privacy right of that particular person. Telegana High Court in ***Ramagpal Varma and Another v. Perumalla Amrutha*** (MANU/TL/O352/2020) while dealing with a similar instance of a movie based on a crime, held that once the matter becomes a matter of record, the right to privacy is no longer subsisting and it becomes a legitimate subject for comment for press and other media. It was held that when events which occurred in the life of a person are already in public domain they cannot plead any violation or right to privacy when third parties are making a movie based on such events.

E. The statement of fact contained in paragraph 4 to 8 are the true extracts from ***Ponnappan v. State*** reported in 1994 (2) KLT 1027 and the said facts are

already in public domain and is not related to the 4<sup>th</sup> respondent.

F. The averments in paragraph 9 are stated as on the basis of the events in connection with L.P. No.16 of 1989 and is not within the knowledge of the 4<sup>th</sup> respondent. The allegation in paragraph 9 that this respondent or the 4<sup>th</sup> respondent co-producer is publishing look out notice under the guidance of first respondent is totally false, incorrect and hence, denied. The 5<sup>th</sup> respondent is a private limited company, who is engaged in the business of film production.

G. The averments and allegations contained in paragraph against this respondent are denied at the very outset. It is true that the motion picture Kurup is co-produced by the 4<sup>th</sup> and 5<sup>th</sup> respondents. However, the same has not infringed the right to privacy of Mr. Sukumara Kurup, who is a proclaimed offender, as mentioned in the writ petition. The respondents 4 and 5 have not published the life story of any proclaimed offender as alleged and therefore, seeking of prior permission from any such person is not contemplated for the creation of a story line for a motion picture and the further production of the same.

H. The averments contained in paragraph 11 pertains to the right of a proclaimed offender and the duty of the state to protect the same. Since the motion picture 'Kurup' does not affect the fundamental right of privacy of any of such person this respondent is not in any

manner connected with the allegation of infringement of right to privacy in any manner.

I. It is also submitted that the movie Kurup' obtained a certification from Central Board of Film Certification and the same is thus declared as fit for exhibition in the public platform by the certifying authority. Once the Certificate has been issued, there is prima facie a presumption that the concerned authority has taken into account all the guidelines and it is absolutely fit for the exhibition before the public. Moreover, the petitioner had not made the certifying authority as a party to the writ petition or has made any legal challenge to the certificate granted under Section 5 A of the Cinematograph Act, 1952. Further, the petitioner has filed the writ petition without watching the movie and even after release of the movie, there was no opposition or objection from any corner."

12. Central Board of Film Certification/respondent No.6 has filed a counter affidavit, in which it is stated that, while reviewing a film, it has to consider various guidelines issued by the Central Government under Section 5B(2) of Cinematograph (Certification) Rules, 1983, concerning the contents of the film, while issuing certificates as provided in the Act and Rules thereunder. They have also explained the guidelines to be followed.

13. In the counter affidavit, it is further contended thus:

“A. Hence, the certificate for public exhibition for a film is issued after adhering to different stages and processes prescribed in the Cinematograph Act, 1952 (37 of 1952) and the Cinematograph (Certification) Rules, 1983 and following the guidelines issued by Central Government under Section 5B (2) of Cinematograph Certification Rules, 1983.

B. In the instance of the certification process of the feature film Kurup, the examining committee viewed the film and when it was seen that certain names and scenes in the film had similarities with a criminal case in Kerala where one Sukumara Kurup was involved. The meeting was convened on 23.08.2021. As per the legal advice obtained, directions were given for change in the script to ensure that there is no scope for violations with respect to privacy.

C. Accordingly, directions were given to change the First Name of the Character "Sukumara". The term "film representative" used in the script to refer to victim was edited to just "representative" to prevent violation of privacy of the victim. The film had also not used the real name of the victim in the script. It was also directed to include a disclaimer in the beginning that Insert the following disclaimer in the beginning of the film in Malayalam and English: “This film is inspired by incidents and events that are reported or otherwise available in the public domain. It is not a documentary and is not intended to accurately reflect those incidents that may have occurred. Certain characters, institutions and events

in the film are fictional and have been used for cinematic reasons and for dramatizing the performances portrayed in the film. Any resemblance to any person, living or dead, is unintended and purely coincidental. No identification of any actual persons, places, buildings and products is intended or should be inferred. The filmmakers and all persons associated with the film respect the right of fair trial of all concerned and do not intend to discredit anyone or interfere with any evidence or defense. There is no intention to disrespect, impair or disparage the belief or sentiments of person(s) or community (ies), religion or nationality or to in any manner interfere with the administration of justice." The film was thereafter certified with the modifications carried out by the film makers."

14. Inviting the attention of this Court to the decision **Abhishek v. State of Maharashtra and others** [(2022) 8 SCC 282], contention has been made that a proclaimed offender cannot claim the right of privacy.

15. Based on the averments made in the statement of facts filed along with the writ petition and the counter affidavit, learned counsel made submissions.

16. Heard the learned counsel for the parties and perused the material on record.



17. While rejecting the interim order, after considering Section 82 of the Code of Criminal Procedure, 1973, and the provisions of the Cinematograph Act, 1952, on 10.11.2021, this Court passed the following order:

“5. Though the petitioner has arrayed the Government of India, Home Department, Ministry of Home Affairs, New Delhi and others as party respondents, Central Board of Film Certification, who has issued censorship certificate, has not been impleaded as a party respondent in the writ petition. Section 82 of the Code of Criminal Procedure, 1973 reads thus:

**“82.Proclamation for person absconding.**

(1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

(2) The proclamation shall be published as follows:-

(i) (a) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;

(b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village;

(c) a copy thereof shall be affixed to some conspicuous part of the Court- house;

(ii) the Court may also, if it thinks fit, direct a copy of the proclamation to be published in a daily newspaper circulating in the place in which such person ordinarily resides.

(3) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day, in the manner specified in clause (i) of sub- section (2), shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

(4) Where a proclamation published under Sub-Section (1) is in respect of a person accused of an offence punishable under Sections 302,304, 364, 367, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 402, 436, 449, 459 or 460 of the Indian Penal Code and such person fails to appear at the specified place and time required by the proclamation, the Court may, after making such inquiry as it thinks fit, pronounce him a proclaimed offender and make a declaration to that effect.

(5) The provisions of Sub-Sections (2) and (3) shall apply to a declaration made by the Court under Sub-Section (4) as they apply to the proclamation published under Sub-Section (1).”

6. At this juncture, we deem it fit to consider some of the provisions of the Cinematograph Act, 1952 as to how the censorship certificate is issued to a movie.

### **“CERTIFICATION OF FILMS FOR PUBLIC EXHIBITION**

[3. **Board of film Certification.**—(1) For the purpose of sanctioning films for public exhibition, the Central Government may, by notification in the Official Gazette, constitute a Board to be called the [Board of Film Certification] which shall consist of a Chairman and 5 [not less than twelve and not more than twenty-five] other members appointed by the Central Government.

(2) The Chairman of the Board shall receive such salary and allowances as may be determined by the Central Government, and the other members shall receive such allowances or fees for attending the meetings of the Board as may be prescribed.

(3) The other terms and conditions of service of the members of the Board shall be such as may be prescribed.]

4. **Examination of films.**—(1) Any person desiring to exhibit any film shall in the prescribed manner make an application to the Board for a certificate in respect thereof, and the Board may, after examining or having the film examined in the prescribed manner,—

(i) sanction the film for unrestricted public exhibition:

[Provided that, having regard to any material in the film, if the Board is of the opinion that it is necessary to caution that the question as to whether any child below the age of twelve years may be allowed to see such a film should be considered by the parents or guardian of such child, the Board may sanction the film for unrestricted public exhibition with an endorsement to that effect; or]

(ii) sanction the film for public exhibition restricted to adults; or

(iia) sanction the film for public exhibition restricted to members of any profession or any class of persons, having regard to the nature, content and theme of the film; or]

[(iii) direct the applicant to carry out such excisions or modifications in the film as it thinks necessary before sanctioning the film for public exhibition under any of the foregoing clauses; or]

(iv) refuse to sanction the film for public exhibition.

(2) No action under [the proviso to clause (i), clause (ii), clause (iia), clause (iii) or clause (iv)] of sub-section (1) shall be taken by the Board except after giving an opportunity to the applicant for representing his views in the matter.

**5. Advisory panels.**—(1) For the purpose of enabling the Board to efficiently discharge its functions under this Act, the Central Government may establish at such regional centers as it thinks fit, advisory panels each of which shall consist of such number of persons, being persons qualified in the opinion of the Central Government to judge the effect of films on the public, as the Central Government may think fit to appoint thereto.

(2) At each regional center there shall be as many regional officers as the Central Government may think fit to appoint, and rules made in this behalf may provide for the association of regional officers in the examination of films.

(3) The Board may consult in such manner as may be prescribed, any advisory panel in respect of any film for which an application for a certificate has been made.

(4) It shall be the duty of every such advisory panel whether acting as a body or

in committees as may be provided in the rules made in this behalf to examine the film and to make such recommendations to the Board as it thinks fit.

(5) The members of the advisory panel shall not be entitled to any salary but shall receive such fees or allowances as may be prescribed.

**5A. Certification of films.**— [(1) If, after examining a film or having it examined in the prescribed manner, the Board considers that—

(a) the film is suitable for unrestricted public exhibition, or, as the case may be, for unrestricted public exhibition with an endorsement of the nature mentioned in the proviso to clause (i) of sub-section (1) of section 4, it shall grant to the person applying for a certificate in respect of the film a “U” certificate or, as the case may be, a “UA” certificate; or

(b) the film is not suitable for unrestricted public exhibition, but is suitable for public exhibition restricted to adults or, as the case may be, is suitable for public exhibition restricted to members of any profession or any class of persons, it shall grant to the person applying for a certificate in respect of the film an “A” certificate or, as the case may be, a “S” certificate, and cause the film to be so marked in the prescribed manner:

Provided that the applicant for the certificate, any distributor or exhibitor or any other person to whom the rights in the film have passed shall not be liable for punishment under any law relating to obscenity in respect of any matter contained in the film for which certificate has been granted under clause (a) or clause (b).

(2) A certificate granted or an order refusing to grant a certificate in respect of any film shall be published in the Gazette of India.

(3) Subject to the other provisions contained in this Act, a certificate granted by the Board under this section shall be valid throughout India for a period of ten years.

**5B. Principles of guidance in certifying films.**—(1) A film shall not be certified for public exhibition if, in the opinion of the authority competent to grant the certificate, the film or any part of it is against the interests of the sovereignty and integrity of India the security of the State, friendly relations with foreign States, public order, decency or morality, or involves defamation or contempt of court or is likely to incite the commission of any offence.

(2) Subject to the provisions contained in sub-section (1), the Central Government may issue such directions as it may think fit setting out the principles which shall guide the authority competent to grant certificates under this Act in sanctioning films for public exhibition.”

7. Likewise, certain provisions of the Cinematograph (Certification) Rules, 1983 are also relevant to the context, which read thus:

**“21. Application for examination of films.**—(1) Every application to certify a film for public exhibition shall be made in writing in 1[Form I or Form IA or Form II or Form IIA, as the case may be,] set out in the Second Schedule according as the film is produced in or imported into India.

(2) The application shall be addressed to the Board and delivered to the Regional Officer concerned as per the First Schedule:

Provided that where films are imported into India, the Chairman may direct or permit applications in respect of them to be delivered to a Regional Officer other than the Regional Officer to whom such applications would have been delivered but for this proviso:

Provided further that the Chairman may in the following circumstances direct or permit applications in respect of any films or class of films to be delivered to a Regional Officer other than the Regional Officer to whom such applications would have been delivered but for this proviso, namely:—

(i) where the Chairman is satisfied that immediate action for examination of a film is necessary; or

(ii) where examination of a film with the assistance of persons well acquainted with the language of the film is not possible at the place where, but for the provisions of this proviso, it would have been delivered for examination; or

(iii) for such other reasons as may be specified by the Chairman in writing.

(3) Every such application shall be accompanied by—

(a) the fee prescribed under Rule 36;

(b) eight copies in the case of feature films and five copies in the case of other films, of the synopsis of the film, together with full credit titles and of the full text of the songs if any with reel number, one copy of complete shooting script as prescribed and a statement showing the reel-wise length of the film:

Provided that where the film is in a language other than English or any Indian language, the applicant shall furnish eight typed or printed copies of the translation in English or Hindi of the synopsis and of the

full text of the songs, if any, and one copy of the translation in English or Hindi of dialogues:

Provided further that in the case of a film referred to in the preceding proviso, the Regional Officer may direct the applicant to furnish also eight typed or printed copies of the translation in English or Hindi of the full text of the dialogue, speeches or commentary;

2[\*\*\*] (bb) a declaration made in writing by the producer of the film declaring that no cruelty was caused to the animals used during shooting of the films produced in India.

Explanation-1.— For the purposes of this clause—

(i) “animal” shall have the meaning assigned to it in clause (a) of section 2 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960);

(ii) “cruelty” means treating the animals in any manner specified in clauses (a) to (o) of sub-section (1) of section 11 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960);]

(c) If the application is made for the purpose of a fresh certificate under sub-rule (2) of Rule 29, the original certificate or duplicate certificate; and

(d) if the application is made by a person other than the producer or copyright holder of the film, an authorization in writing on a stamped paper of appropriate value to be notified by the Chairman from the producer or copyright holder of the film.]

(4) If, in the case of a newsreel, documentary or other short film if the Regional Officer is satisfied that the applicant is not able to furnish the documents specified in sub-rule (3) along with the application for reasons beyond his



control, the Regional Officer may direct that such documents may be furnished within such period after the examination of the film as he may specify or that the submission of such documents may be dispensed with.

(5) No such application shall be accompanied by any documents other than those mentioned in sub-rule (3).

(6) Notwithstanding anything contained in the foregoing sub-rules, in the case of a film which is imported,—

(a) the applicant shall furnish the original or a certified copy of the import licence together with the customs clearance permit and with the customs clearance papers;

(b) where there is a doubt or dispute about the validity or genuineness of the documents referred to in clause (a), the Board may before the application is considered refer such documents for ascertaining their validity or genuineness to the authority which issued the same;

5[\*\*\*] (c) the Board shall not take any steps for certification of a film in a case where any matter regarding the validity of the documents referred to in clause (b) is pending before any court or any public authority until the disposal of such matter by the court or authority; and

[(d) such film shall not be examined by the Board for certification for public exhibition in India unless the Board is satisfied that the film is validly imported in accordance with the import policy of the Government.]

Explanation.—For the purpose of certification for public exhibition every revised version or shorter version of a film shall be deemed to be a fresh film.

**22. Examining committee.**—(1) On receipt of an application under Rule 21, the

Regional Officer shall appoint an Examining Committee to examine the film. The examination shall be made at the cost of the applicant on such date, at such place and at such time as the Regional Officer may determine.

(2) The Examining Committee shall consist of,—

(a) in the case of a short film, a member of the advisory panel and an examining officer 1[either of whom shall be a women]; and

(b) in the case of a long film, four members of the advisory panel and an examining officer [of whom two persons shall be women]:

Provided that if the examining officer is unavoidably absent at the examination of a film, the Examining Committee shall consist of two members of the advisory panel in a case falling under clause (a) and five members of the advisory panel in a case falling under clause (b):

[Provided further that in the Examining Committee, in a case falling under clause (a) one member shall be a woman and in a case falling under clause (b) two members shall be women.]

(3) The film to be examined by the Examining Committee shall be in its final form with the background music and all sound effects duly recorded on the film itself.

(4) All previews of films for the purposes of examination for certification and the reports and records relating thereto shall be treated as confidential.

(5) The names of the members of the Examining Committee examining the film shall not be disclosed to any official or nonofficial not concerned with the preview of the particular film or to any other person

including the applicant or his representative.

[(5A) Nothing in sub-rules (4) and (5) shall affect the disclosure of names of persons in the certificate granted by the Board.]

(6) The applicant or his representative shall not be allowed to be present inside the preview theatre.

(7) Notwithstanding anything contained in sub-rules (4), (5) and (6) the Chairman may by special or general order permit any member of the staff to be present at the preview to render such assistance as may be required.

(8) The Examining Committee shall examine the film having regard to the principles for guidance in certifying films specified in section 5B(1) and the guidelines issued by Government under section 5B(2).

(9) Immediately after the examination of the film each member of the Examining Committee attending the examination shall, before leaving the preview theatre record his opinion in writing in Form VIII set out in the Second Schedule spelling out in clear terms the reasons therefor and state whether he or she considers,—

(a) that the film is suitable for unrestricted public exhibition, i.e., fit for 'U' certificate; or

(b) that the film is suitable for unrestricted public exhibition but with an endorsement of caution that the question as to whether any child below the age of 12 years may be allowed to see the film should be considered by the parents or guardian of such child, i.e., fit for 'UA' certificate; or

(c) that the film is suitable for public exhibition restricted to adults, i.e., fit for 'A' certificate; or

(d) that the film is suitable for public exhibition restricted to members of any profession or any class of persons having regard to the nature, content and theme of the film, i.e., fit for 'S' certificate; or

(e) that the film is suitable for 'U' or 'UA' or 'S' certificate, as the case may be, if a specified portion or portions be excised or modified therefrom; or

(f) that the film is not suitable for unrestricted or restricted public exhibitions, i.e., that the film be refused a certificate, and if the Chairman is away from the regional centre where the film is examined, the form aforesaid shall be prepared in duplicate.

(10) The examining officer shall distribute copies of the synopsis with credit titles and, songs among the members of the Committee and furnish them the form and such other documents as may be specified by the Board for making their recommendation.

(11) After the screening of the film, the examining officer shall see that—

(a) the recommendation of every member of the Committee is recorded in unambiguous terms and each excision or modification is properly specified in clear terms with reason or reasons therefor;

(b) the same is duly signed by the members of the Committee; and

(c) where the report of any member of the Committee is incomplete, that fact is brought to the notice of the member concerned before he leaves the preview theatre.

(12) The examining officer shall within three working days send the recommendations of all the members of the Examining Committee to the Chairman and

the Chairman is away from the centre where the film is examined, by registered post.

(13) It shall be the personal responsibility of the examining officer to examine whether each and every guideline issued by Government has been followed and to bring any lapse or deviation to the notice of the Chairman.

(14) The quorum for the Examining Committee for a long film shall be four [of whom at least two persons shall be women.]

**23. Certification.**—On receipt of the record referred to in sub-rule (12) of Rule 22, the Chairman, unless the provisions of sub-rule(1) of Rule 24 are attracted, direct the Regional Officer concerned to take further action on behalf of the Board in conformity with the recommendation of the Examining Committee either unanimous or by majority:

Provided that in case of a short film when the Committee is divided in its opinion, the Chairman shall either examine the film himself and take, or direct the Regional Officer concerned to take further action on behalf of the Board to give effect to his decision.

**24. Revising Committee.**—(1) On receipt of the record referred to in Rule 22, the Chairman may, of his own motion or on the request of the applicant, refer it to a Revising Committee constituted for the purpose.

(2) The Revising Committee shall, subject to sub-rule (5), consist of a Chairman and not more than nine members, being members of the Board or members of any of the advisory panels, to be specified by the Chairman:

[Provided that subject to the provisions of sub-rule (11), the Chairman shall give due representation to women in

the Committee by nominating such number of women members as he thinks fit.]

(3) The Chairman or in his absence a member of the Board nominated by the Chairman shall preside at every meeting of the Revising Committee.

(4) The Regional Officer of the Centre where the application was received under Rule 21, may be invited to attend any meeting of a Revising Committee and participate in proceedings thereof but he shall have no right to vote thereat.

(5) No member of the advisory panel who has been a member of the Examining Committee for any film shall be a member of the Revising Committee in respect of the same film.

(6) The provisions of sub-rules (4) to (8) of Rule 22 shall apply mutatis mutandis to the examination of films by the Revising Committee or the Board.

(7) The Revising Committee shall examine the film at the applicant's expense, on such date, at such place and at such time, as the Chairman may determine.

(8) For the purpose of examination by a Revising Committee,—

(a) the applicant shall present the same clear runnable print of the film which was shown to the Examining Committee and he shall make no change whatsoever in it and he shall furnish the necessary declaration in writing in that behalf;

(b) the applicant shall be required to furnish fifteen typed or printed copies of the complete synopsis of the film together with the full credit titles and of the full text of songs, if any, with reel number, and where he has made a representation under sub-section (2) of section 4, fifteen copies thereof shall also be furnished:

Provided that where the film is in a language, other than English or any Indian language, the applicant shall furnish fifteen typed or printed copies of the translation in English or in Hindi of the synopsis together with full credit titles and of the full text of the songs, if any: Provided further that in the case of a film referred to in the preceding proviso, the Chairman may direct the applicant to furnish also fifteen typed or printed copies of the translation in English or Hindi of the full text of the dialogue, speeches or commentary:

Provided also that where the Chairman is satisfied that the applicant is not able to furnish the documents specified in this sub-rule for reasons beyond his control the Chairman may direct that the submission of such documents be dispensed with.

(9) Immediately after examination of the film, each member of the Revising Committee shall before leaving the preview theatre record his recommendations in writing in Form VIII set out in the Second Schedule spelling out in clear terms the reasons therefor and stating whether he or she considers—

(a) that the film is suitable for unrestricted public exhibition, i.e., fit for 'U' certificate; or

(b) that the film is suitable for unrestricted public exhibition but with an endorsement of caution that the question as to whether any child below the age of twelve years may be allowed to see the film should be considered by the parents or guardian of such child, i.e., fit for 'UA' certificate; or

(c) that the film is suitable for public exhibition restricted to adults, i.e., fit for 'A' certificate; or

(d) that the film is suitable for public exhibition restricted to members of any

profession or any class of persons having regard to the nature, content and theme of the film, i.e., fit for 'S' certificate; or

(e) that the film is suitable for grant of 'U' or 'UA' or 'A' or 'S' certificate, as the case may be, if a specified portion or portions be excised or modified therefrom; or

(f) that the film is not suitable for unrestricted or restricted public exhibition, i.e., that the film be refused a certificate, and if the Chairman is away from the regional centre where the film is examined the form aforesaid shall be prepared in duplicate.

(10) The Presiding Officer of the Revising Committee shall, within three days, send the recommendations of all the members of the Revising Committee to the Chairman and where the Chairman is away from the centre where the film is examined, by registered post.

[(11) The quorum of the Revising Committee shall be five members of whom at least two persons shall be women:

Provided that the number of women members shall not be less than one-half of the total members of a Committee constituted under sub-rule (2).]

(12) The decision of a Revising Committee shall be that of the majority of the members attending the examination of the film and, in the event of an equality of votes, the presiding officer shall have a second or casting vote:

Provided that where the Chairman disagrees with the decision of the majority of the Committee, the Board shall itself examine the film or cause the film to be examined again by another Revising Committee and that the decision of the



Board or the second Revising Committee, as the case may be, shall be final.”

8. Posed with a question as to when the film is scheduled to be released, Mr. Sebin Mathew, learned counsel for petitioner, submitted that as per the newspaper report of Hindu - Exhibit P1, the film is likely to be released on 12.11.2021. If the film has to be released, Censorship certificate would have been issued by the Board. It could also be presumed that respondents 4 & 5 would have made arrangements for exhibition of the movie “Kurup”.

9. Having regard to the statutory provision - Section 82 of the Code of Criminal Procedure, 1973, provisions of the the Cinematograph Act, 1952 and the Rules taken note of and the steps that would have been taken by respondents 4 & 5 for exhibiting the movie “Kurup”, we are not inclined to grant any interim order staying the release/publication of movie “Kurup” till the disposal of the writ petition.”

18. The guidelines to be considered by the Board of Film Certification as per the statement dated 7.2.2023 of the Regional Officer, CBFC, Thiruvananthapuram are reproduced:

**“Guidelines**

The Board of Film Certification shall be guided by the following principles.

**I. Objectives of Film Certification**

- a. the medium of film remains responsible and sensitive to the values and standards of society;
- b. artistic expression and creative freedom are not unduly curbed;
- c. certification is responsible to social changes;
- d. the medium of film provides clean and healthy entertainment; and
- f. as far as possible, the film is of aesthetic value and cinematically of a good standard.

**II. In pursuance of the above objectives, the CBFC shall ensure that**

- a. anti social activities such as violence are not glorified or justified
- b. the modus operandi of criminals, other visuals or words likely to incite the commission of any offence are not depicted;
- c. scenes -
  - 1. showing involvement of children in violence as victims or perpetrators or as forced witnesses to violence, or showing children as being subjected to any form of child abuse.
  - 2. showing abuse or ridicule of physically and mentally handicapped persons; and
  - 3. showing cruelty to, or abuse of animals, are not presented needlessly

- d. pointless or avoidable scenes of violence, cruelty and horror, scenes of violence primarily intended to provide entertainment and such scenes as may have the effect of de-sensitising or de-humanising people are not shown;
- e. scenes which have the effect of justifying or glorifying drinking are not shown;
- f. scenes tending to encourage, justify or glamorise drug addiction are not shown;
  - a. scenes tending to encourage, justify or glamorise consumption of tobacco or smoking are not shown;
- g. human sensibilities are not offended by vulgarity, obscenity or depravity;
- h. such dual meaning words as obviously cater to baser instincts are not allowed;
- i. scenes degrading or denigrating women in any manner are not presented;
- j. scenes involving sexual violence against women like attempt to rape, rape or any form of molestation or scenes of a similar nature are avoided, and if any such incidence is germane to the theme, they shall be reduced to the minimum and no details are shown
- k. scenes showing sexual perversions shall be avoided and if such matters are germane to the theme they shall

be reduced to the minimum and no details are shown

- l. visuals or words contemptuous of racial, religious or other groups are not presented
- m. visuals or words which promote communal, obscurantist, anti-scientific and anti-national attitude are not presented
- n. the sovereignty and integrity of India is not called in question;
- p. the security of the State is not jeopardized or endangered
- q. friendly relations with foreign States are not strained;
- r. public order is not endangered visuals or words involving defamation of an individual or a body of individuals, or contempt of court are not presented.

EXPLANATION: Scenes that tend to create scorn, disgrace or disregard of rules or undermine the dignity of court will come under the term "Contempt of Court" : and

national symbols and emblems are not shown except in accordance with the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950 (12 of 1950)

### **III. The Board of Film Certification shall also ensure that the film**

- a. Is judged in its entirety from the point of view of its overall impact; and
- B. Is examined in the light of the period depicted in the films and the

contemporary standards of the country and the people to which the film relates provided that the film does not deprave the morality of the audience.

- IV. Films that meet the above - mentioned criteria but are considered unsuitable for exhibition to non-adults shall be certified for exhibition to adult audiences only.
  - a. While certifying films for unrestricted public exhibition, the Board shall ensure that the film is suitable for family viewing, that is to say, the film shall be such that all the members of the family including children can view it together.
  - b. If the Board, having regard to the nature, content and theme of the film is of the opinion that it is necessary to caution the parents / guardian to consider as to whether any child below the age of twelve years maybe allowed to see such a film, the film shall be certified for unrestricted public exhibition with an endorsement to that effect.
  - c. If the Board having regard to the nature, content and theme of the film, is of the opinion that the exhibition of the film should be restricted to members of any profession or any class of persons, the film shall be certified for public exhibition restricted to the specialized audiences to be specified by the Board in this behalf.
- V. The Board shall scrutinize the titles of the films carefully and ensure that they are

not provocative, vulgar, offensive or violative of any of the above-mentioned guidelines.”

19. In paragraphs (7) to (13) of the said statement, the Regional Officer, CBFC, Thiruvananthapuram/6<sup>th</sup> respondent has explained the procedure to be followed, as to how the Certification is issued, etc.

20. At paragraphs (14) and (15), the 6<sup>th</sup> respondent has also explained, as to how the Examining Committee has viewed the movie, how directions were given for change in the script to ensure that there is no scope for violation with respect to privacy.

21. As rightly contended by M Star Entertainments, Indel House, Changampuzha, Kochi, Kerala, represented by its Authorised Person/5<sup>th</sup> respondent, the crime committed by Mr. Sukumara Kurup among other accused, is already in the records and discussed in **Ponnappan v. State** reported in **1994 (2) KLT 1027**. Public records and judgments in public domain can be accessed by any person. This Court is in agreement with the submission of the 5<sup>th</sup> respondent only because the story gets inspiration from the life story of a proclaimed offender. That does not mean that the story is completely the life story of that person

and the publication of that story would affect the privacy right of that particular person.

22. In **Ramgopal Varma and Others v. Perumalla Amrutha** (MANU/TL/O352/2020), while dealing with a similar instance of a movie based on a crime, the Telangana High Court held as under:

“49. Yet, there is an exception to the said rule i.e., that any publication concerning these aspects would become unobjectionable if such publication is based upon public records including court records. In other words, once the matter becomes a matter of public record, the right to privacy is no longer subsisting and it becomes a legitimate subject for comment for press and media among others. There are of course some exceptions to this exception, with which were not concerned.

50. When the events which occurred in the life of the respondent are already in public domain, she cannot plead any violation of right of privacy by the appellants in making a movie based on such events. The Trial court did not consider this aspect of the matter i.e. information already being in public domain while passing the impugned order. So it's order cannot be sustained.

51. It cannot be denied that if any movie is made by specifically referring to her name, her husband's name and her father's name, much pain and anguish would be caused to the respondent, but, since the appellants have assured through their Senior Counsel that they would not use the name of the respondent, her deceased husband or her deceased father in the movie 'Murder' being made by them, we accept the said undertaking.”

23. In **R. Rajagopal v. State of Tamil Nadu** reported in (1994) 6 SCC 632], the Hon'ble Supreme Court had occasion to consider in detail, a similar issue wherein, question arose as to whether publication of autobiography of the condemned prisoner, Auto Shankar, would amount to violation of his privacy. At paragraph (26), the Hon'ble Apex Court held thus:

“26. We may now summarise the broad principles flowing from the above discussion:

(1) The right to privacy is implicit in the right to life and liberty guaranteed to the citizens of this country by Article 21. It is a "right to be let alone". A citizen has a right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child bearing and education among other matters.

None can publish anything concerning the above matters without his consent - whether truthful or otherwise and whether laudatory or critical. If he does so, he would be violating the right to privacy of the person concerned and would be liable in an action for damages. Position may, however, be different, if a person voluntarily thrusts himself into controversy or voluntarily invites or raises a controversy.

(2) The rule aforesaid is subject to the exception, that any publication concerning the aforesaid aspects becomes unobjectionable if such publication is based upon public records including court records. This is for the reason that once a matter becomes a matter of public record, the right to privacy no longer subsists and it becomes a legitimate subject for comment by press and media among others. We are, however, of the opinion that in the interest of decency [Article 19(2)] an exception must be carved out to this rule, viz., a female who is the victim of a sexual assault, kidnap, abduction or a like offence should not further be subjected to the indignity of her name and the incident being publicized in press/media.



(3) There is yet another exception to the Rule in (1) above - indeed, this is not an exception but an independent rule. In the case of public officials, it is obvious, right to privacy, or for that matter, the remedy of action for damages is simply not available with respect to their acts and conduct relevant to the discharge of their official duties. This is so even where the publication is based upon facts and statements which are not true, unless the official establishes that the publication was made (by the defendant) with reckless disregard for truth. In such a case, it would be enough for the defendant (member of the press or media) to prove that he acted after a reasonable verification of the facts; it is not necessary for him to prove that what he has written is true. Of course, where the publication is proved to be false and actuated by malice or personal animosity, the defendant would have no defence and would be liable for damages. It is equally obvious that in matters not relevant to the discharge of his duties, the public official enjoys the same protection as any other citizen, as explained in (1) and (2) above. It needs no reiteration that judiciary, which is protected by the power to punish for contempt of court and the Parliament and Legislatures protected as their privileges are by Articles 105 and 104 respectively of the Constitution of India, represent exceptions to this rule.

(4) So far as the government, local authority and other organs and institutions exercising governmental power are concerned, they cannot maintain a suit for damages for defaming them.

(5) Rules 3 and 4 do not, however, mean that Official Secrets Act, 1923, or any similar enactment or provision having the force of law does not bind the press or media.

(6) There is no law empowering the State or its officials to prohibit, or to impose a prior restraint upon the press/media."

24. Exhibit-R4(a) is the Central Board Certification. It is the case of the Regional Officer, CBFC, Thiruvananthapuram/6<sup>th</sup>

respondent, that the guidelines and the statutory provisions have been considered, legal advice was taken, and directions were also given to make some changes.

25. At paragraph (15) of the statement, 5<sup>th</sup> respondent has also explained, as to how directions were issued to change the first name of the character 'Sukumara'. As rightly contended, once the Certification has been issued, there is a *prima facie* presumption that the concerned authorities have taken into account all the aspects regarding the movie and found it fit for Certification.

26. Yet another aspect pointed out by the respondents is that neither the proclaimed offender nor his family members have come forward to claim that the movie depicts the story of proclaimed offender and offended his right of privacy.

27. In **Abhishek v. State of Maharashtra** [(2022) 8 SCC 282], the Hon'ble Supreme Court held as under:

“21. As regards the implication of proclamation having been issued against the Appellant, we have no hesitation in making it clear that any person, who is declared as an 'absconder' and remains out of reach of the investigating agency and thereby stands directly at conflict with law, ordinarily, deserves no concession or indulgence. By way of reference, we may observe that in relation to the indulgence of pre-arrest bail in terms of Section 438 Code of Criminal Procedure, this Court has repeatedly said that when an Accused is absconding and is declared as proclaimed offender, there is no question of giving him the benefit of Section 438

Code of Criminal Procedure.9 What has been observed and said in relation to Section 438 Code of Criminal Procedure applies with more vigour to the extraordinary jurisdiction of this Court Under Article 136 of the Constitution of India. The submissions on behalf of the Appellant for consideration of his case because of application of stringent provisions impinging his fundamental rights does not take away the impact of the blameworthy conduct of the Appellant. Any claim towards fundamental rights also cannot be justifiably made without the person concerned himself adhering to and submitting to the process of law.”

28. Movie has been screened. Therefore, first prayer sought for by the petitioner has become infructuous.

29. Giving due consideration to the rival contentions and the material on record, this Court is of the view that the petitioner, who is a third party, has not made out a case for granting the second prayer also.

In fine, writ petition is dismissed.

Sd/-  
S. Manikumar,  
Chief Justice

Sd/-  
Murali Purushothaman,  
Judge

**APPENDIX OF WP(C) 24767/2021**

**PETITIONER EXHIBITS**

EXHIBIT P1 TRUE COPY OF THE NEWS DATED 03.11.2021  
PUBLISHED IN HE HINDU NET DESK.

EXHIBIT P2 TRUE COPY OF THE RELEVANT PAGES OF THE  
WIKIPEDIA RELATED TO KURUP MOVIE.

**RESPONDENT EXHIBITS**

EXHIBIT R5(A) TRUE COPY OF THE DISCLAIMER SHOWN IN THE  
MOVIE KURUPP

EXHIBIT R4(A) TRUE COPY OF THE CERTIFICATE NO.  
DIL/2/26/2021-THI DATED 14/09/2021 ISSUED  
BY CENTRAL BOARD OF FILM CERTIFICATION