

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR.JUSTICE N.NAGARESH  
&  
THE HONOURABLE MRS. JUSTICE SOPHY THOMAS

Friday, the 5<sup>th</sup> day of May 2023 / 15th Vaisakha, 1945  
WP(C) NO. 15036 OF 2023(S)

PETITIONER:

ADV.ANOOP V.R, AGED 38 YEARS, S/O.V.V. RAVEENDRA NATH,  
ANURAGAM (H), NAMBAZHICODE P.O., THRISSUR- 680 602.

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF INFORMATION AND BROADCASTING, CENTRAL SECRETARIAT, NEW DELHI - 110 001.
2. MINISTRY OF INFORMATION AND BROADCASTING, REPRESENTED BY THE SECRETARY TO GOVERNMENT, MINISTRY OF INFORMATION AND BROADCASTING, SHASTRI BHAWAN, NEW DELHI - 110 001.
3. CENTRAL BOARD OF FILM CERTIFICATION (CBFC), REPRESENTED BY CHAIRPERSON, FILMS DIVISION COMPLEX, PHASE I BUILDING, MUMBAI - 400 026.
4. SECRETARY TO GOVERNMENT, HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
5. SUDIPTO SEN, DIRECTOR OF THE KERALA STORY, C/O 102, 1ST FLOOR, BHARAT ARK A WING, AZAD NAGAR, VEERA DESAI ROAD, ANDHERI WEST, MUMBAI, MAHARASHTRA - 400 053.
6. VIPUL AMRUTLAL SHAH, PRODUCER OF THE KERALA STORY, C/O 102, 1ST FLOOR, BHARAT ARK A WING, AZAD NAGAR, VEERA DESAI ROAD, ANDHERI WEST, MUMBAI, MAHARASHTRA - 400 053.
7. SUNSHINE PICTURES PVT. LTD., REPRESENTED BY PRODUCER AND DIRECTOR, VIPUL AMRUTLAL SHAH, 102, 1ST FLOOR, BHARAT ARK A WING, AZAD NAGAR, VEERA DESAI ROAD, ANDHERI WEST, MUMBAI, MAHARASHTRA - 400 053.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to pass an interim order directing the respondents to stay the release of the movie on 05.05.2023 or any other date, subject to the result of the writ petition

This petition again coming on for admission upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 02/05/2023 and upon hearing the arguments of M/S. KALEESWARAM RAJ, THULASI K. RAJ, APARNA NARAYAN MENON & CHINNU MARIA ANTONY, Advocates for the petitioner, SRI.S. MANU, DEPUTY SOLICITOR GENERAL OF INDIA for R1 to R3, GOVERNMENT PLEADER FOR R4, SMT.SHILPA SOMAN,AMEET NAIK, MADHU CHAUDHARY, NITHYESH NATRAJ & SUJOY MUKHERJEE Advocates for R5 & R6, SRI.S. SREEKUMAR, (SENIOR ADVOCATE) along with M/S.VIJAY V. PAUL & THOMAS J.ANAKKALLUNKAL & VAIBHAV. R VENKATESH, Advocates for R7, the court passed the following:



**APPENDIX OF WP(C) 15036/2023**

**Exhibit P4**

**TRUE COPY OF THE COMPLAINT DATED 03.05.2023 FILED BY  
THE PETITIONER BEFORE THE 1ST RESPONDENT.**



**N. NAGARESH & SOPHY THOMAS, JJ.**

.....  
**W.P.(C) Nos. 15119, 15126, 15143, 15228,  
15303, 15312, 15036 of 2023**  
.....

**Dated this the 5<sup>th</sup> day of May, 2023**

**ORDER**

**N. Nagaresh, J.**

In all these writ petitions, the petitioners seek to suspend the circulation of teaser and trailer of the movie 'The Kerala Story' and to prohibit exhibition of the said movie. The allegation of the petitioners is that the movie is based on incorrect and unverified facts and contained derogatory remarks against a community. The release of the movie will disrupt and destroy the secular fabric of the society. A community has been shown in negative line. A perusal of the teaser and trailer will substantiate the fact that the movie has popularity and potentiality, which can disturb public order, decency and morality, particularly women and Muslim community. Arguments were advanced for an interim order restraining the respondents from exhibiting the movie as well as the teaser and trailers.

2. We have heard the learned counsel on either side. We have also watched the teaser and trailers in the Court Hall, in the presence of all the counsel. Grievance of the petitioners is that the teaser contains erroneous statement of facts which will tarnish the image of one community.

3. The learned counsel appearing for Sunshine Pictures Private Limited submitted that the Company would withdraw the said teaser forthwith from their social media handles.

4. Going through the trailers of the movie, we find that trailers do not contain anything offensive to any particular community as a whole. The fact remains that the petitioners have not watched the movie. We find that a competent statutory body, Central Board of Film Certification, has examined the movie and found that the film is suitable for public exhibition. As provided by the guidelines for certification of films for public examination, the Censor Board has examined the movie in the context of whether the medium of film remains responsible and sensitive to the values and standards of society; whether visuals

or words contemptuous of racial, religious or other groups are presented; whether visuals or words which promote communal, obscurantist, anti-scientific and anti-national attitudes are presented; and whether public order is endangered.

5. It is after examining the movie in the context of the guidelines prescribed, the Censor Board has certified the film. Furthermore, from the statement filed by the Deputy Solicitor General of India, we find that the producers have published a disclaimer along with the movie, which specifically states that the film has been fictionalised and is a dramatised version of events. The film does not claim accuracy or factuality of historic events. In view of the disclaimer also, we are not inclined to pass an interim order restraining the respondents from exhibiting the film.

6. In view of the above and taking into consideration the statement made by the Producer/Company that the Producer does not intend to retain the teaser in their social media handles and that the teaser will be removed from their social media handles, no further orders are necessary in these writ petitions at this stage.

W.P.(C) Nos. 15119, 15126,  
15143, 15228, 15303, 15312,  
15036 of 2023

4

7. Admit.

The learned counsel for the petitioner in W.P.(C)No.15312 of 2023 submitted that the petitioner therein has filed a complaint invoking Rule 32 of the Cinematograph (Certification) Rules before the Board. It is made clear that the petitioner will be at liberty to prosecute the said complaint. In W.P.(C)No.15036 of 2023, the petitioner will be at liberty to prosecute Exhibit-P4 complaint filed before the 1<sup>st</sup> respondent.



Sd/-  
**N. NAGARESH, JUDGE**

Sd/-  
**SOPHY THOMAS, JUDGE**

DSV/05.05.2023

