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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8398/2019 and CM APPL. 34738/2019 & 36279/2019**

ARIZ KHAN AND ANR.

..... Petitioners

Through: Ms Nitya Ramakrishnan, Ms Warisha Farasat, Mr Archit Krishna, Ms Sneha Singh, Ms Hafsa Khan, Ms Rudrakshi Deo, Ms Shruti Narayan, Ms Jahnavi Sindhu and Mr Ashwat, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mrs Maninder Acharya, ASG with Mr Anurag Ahluwalia, Mr Abhigyan Siddhant, Mr Kartikeya Rastogi and Mr Viplav Acharya, Advocates for R-2/CBFC.

Ms Urvi Kapoor, Advocate for R-3/Delhi Police.

Mohd. Nizam Pasha, Ms Chandrima Mitra, Mr Abhishek Singh Baghel and Mr Akbar A. Husain, Advocates for R-4, 5 & 6.

Mr Neeraj Kishan Kaul, Senior Advocate with Ms Madhu Gargodia, Mr Harshvardhan Jha, Mr Harsh Kaushik, Mr Vaibhav Bhure, Ms Mayuri Shukla, Mr Abhay Chattopadhyay, Mr Varun Tandon, Ms Chanan Parwani, Ms Pritha Suri, Ms Nikita and Ms Nimisha Chaddha, Advocates for R-7/T-Series.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.08.2019

1. The petitioners have filed the present petition, *inter alia*, praying that the release of the cinematographic film titled “Batla House” be postponed till the pending trials, in the case of *State v. Ariz Khan (SC No 212/2018)* and *State v. Mohd. Shakeel (SC No. 8726/2016; 8828/2016; 8829/2016; 8830/2016 and 8893/2016)*, are concluded. The case of the petitioners is founded on the apprehension that the said cinematographic film, is based on an encounter – commonly known as Batla House Encounter – between personnel of Delhi Police and alleged terrorists and the same would prejudice the petitioners, in cases pending against them in courts. Petitioner no.1 is being tried for charges connected with the said incident and petitioner no. 2’s appeal against conviction is pending consideration before this Court.

2. In view of the apprehensions expressed by the petitioners, this Court had, by an order dated 02.08.2019, directed a pre-screening of the cinematographic film which was witnessed by the counsel on both sides.

3. Ms Ramakrishnan, the learned counsel appearing for the petitioners articulated several objections with regard to the treatment of the subject and contended that the immediate release of the film would prejudice the trial of the petitioners, as well as the other accused persons, in the cases as mentioned above. Mr Kaul, learned senior counsel appearing for respondent no. 7 had countered the said submissions.

4. After some arguments and with the assistance of the learned counsel for the parties, the parties have been able to resolve the issues and respondent nos. 4 to 7 have agreed to certain terms for the film to be

released, as scheduled.

5. First, it has been agreed that at the beginning of the said film, a Disclaimer in the following words, would be shown:-

“This film is inspired by the Delhi Police 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 film makers 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 sentiment of person(s) or community(ies), religion or nationality or to, in any manner, interfere with the administration of justice.”

6. The Disclaimer to the aforesaid effect would also be shown in the Hindi language.

7. Second, it has been agreed that the scene depicting confession of one of the characters would be deleted. This Court and the learned counsel appearing for the petitioners have already been shown the scene sans the said confession. In addition, the scene where certain characters are shown to be making explosive devices, is also agreed to be deleted completely. The scene as would be projected, after the deletion of the said scene, was also shown to this Court as well as to the learned counsel appearing for the petitioners.

8. Third, in addition to the above, it has been agreed that the concerned respondents shall mute the word “*Mujahid*” spoken in the scene where one of the characters was earlier shown to be confessing to the commission of the crime.

9. Fourth, the respondents shall display a disclaimer at the foot of the screen during the court scene to the effect that the film makers do not endorse any of the views expressed either side.

10. Fifth, the actual photograph of an officer of the Delhi Police, which is shown in the end of the movie would also be deleted so as to make good the Disclaimer, as set out at the outset of the film.

11. Respondent nos. 4 to 7 are bound down to the aforesaid terms.

12. It is clarified that it will not be necessary for respondent nos. 4 to 7 to re-submit the film for further approval of respondent no.2, on account of the said changes being carried out and the release of the film will not be held up on that account.

13. In view of the consensus between the parties, the petition is disposed of. All pending applications are also disposed of.

14. Order *dasti* under signature of Court Master.

VIBHU BAKHRU, J

AUGUST 13, 2019