

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B.Criminal Misc(Pet.) No. 737 / 2017

1. Sanjay Leela Bhansali S/o Navin Bhansali (Director), R/o 601/B, Swati Mitra Cooperative Housing Society, JVPD Scheme, Gulmohar Cross Road No 7, Juhu, Mumbai- 400049

2. Deepika Padukone D/o Sh. Prakash Padukone (Actress), Resident of Beau Monde Tower B, Flat No. 2602, 26th Floor, New Prabha Devi Road, Prabha Devi, Mumbai 400025.through Power of Attorney Mr. Prakash Padukone S/o Ramesh Padukone R/o 301, Woodsrab78/1, Nandidurga Road, Benson Town, Bangalore

3. Ranveer Singh S/o Jagjeet Singh, (Actor), Resident of Flat No. 4304, Tower A, Oberoi Exquisite, CIBA Road, Goregaon East, Mumbai.

----Petitioners

Versus

1. State of Rajasthan

2. Virendra Singh S/o Govind Singh, R/o Nagaur Road, Deedwana, District Nagaur.

3. Nagpal Singh Rathore S/o Sheopal Singh, Age 33 Years, R/o. Dudholi, Tehsil Deedwana, District Nagaur.

----Respondents

For Petitioner(s) : Mr. Mahesh Bora, Senior Advocate, assisted by Mr. Nishant Bora, Nitin Goklani, Arun Kumar and Arpit Mehta.

For Respondent(s) : Mr. S.K. Vyas, Addl. Advocate General, Mr. P.R. Singh Jodha, Addl. Advocate General with Mr. Vikram Singh Rajpurohit and Mr. M.S. Panwar, Public Prosecutors for the State.

HON'BLE MR. JUSTICE P.K. LOHRA

Order

08/03/2017

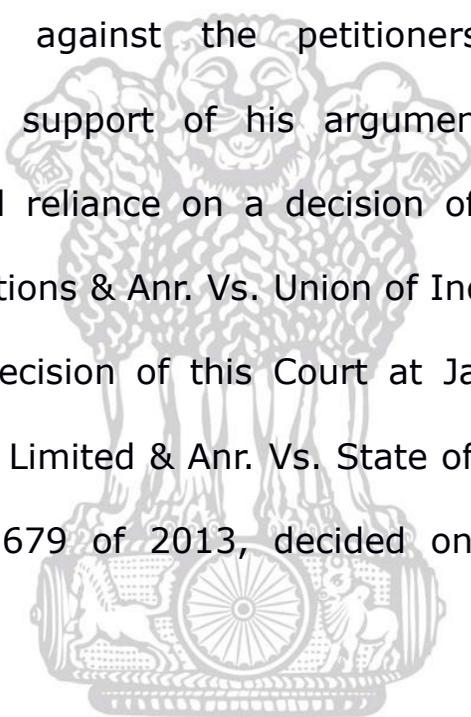
Learned Senior Counsel, Mr. Mahesh Bora, has contended that a bare perusal of FIR makes out no offence against the petitioners. It is also submitted by learned Senior Counsel that

feature film "Padmavati" is still in making and even trailer of the film is not released so far. Learned Senior Counsel would contend that a feature film cannot be exhibited without its certification by the Board of Film Certification under Section 5A of the Cinematograph Act, 1952, in adherence of the principles for guidance, prescribed under Section 5B of the aforesaid Act. It is

also argued by learned Senior Counsel that on a meaningful consideration of the allegations made in FIR, it is abundantly clear that prima facie offence under Sections 153A & 295A IPC is not made out against the petitioners. Learned Senior Counsel has urged that the impugned FIR is a glaring example of an attempt of

personal vendetta against the petitioners by over-zealous complainants. In support of his arguments, learned Senior Counsel has placed reliance on a decision of Supreme Court in Prakash Jha Productions & Anr. Vs. Union of India & Ors. [(2011) 8 SCC 372] and a decision of this Court at Jaipur Bench in Eros International Media Limited & Anr. Vs. State of Rajasthan (S.B. Cr. Misc. Petition No.3679 of 2013, decided on 19th of November 2013).

Per contra, learned Addl. Advocate General has argued that a bare reading of FIR makes it crystal clear that prima facie cognizable offence is made out against the petitioners. Learned Addl. Advocate General has contended that the feature film "Padmavati" is a blatant attempt to distort history by the first petitioner and the role of other petitioners in the process of distortion of history is clearly apparent so as to constitute offence



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under Section 153A and 295A IPC. It is also argued by the learned Addl. Advocate General that investigation in the matter is still going on, therefore, at this stage it is not desirable to clog the investigation perpetually.

Having heard learned counsel for the petitioners as well as learned Addl. Advocate General and upon perusal of the Cinematograph Act, 1952 and judgments on which the learned Senior Counsel for the petitioners has placed reliance, in my opinion matter requires consideration.

Let notices be issued to the respondents-complainants returnable within four weeks. In the meanwhile, further investigation pursuant to FIR No.23 of 2017 of Police Station Deedwana, District Nagaur, shall remain stayed.

(P.K. LOHRA)J.

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