



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8071 OF 2024**

Azhar Basha Tamboli .. Petitioner

Versus

Ravi S. Gupta and Ors. .. Respondents

**WITH
INTERIM APPLICATION NO.9605 OF 2024
IN
WRIT PETITION NO.8071 OF 2024**

Shaheen Shahnawaz Khan & Anr. .. Applicants

IN THE MATTER BETWEEN

Azhar Basha Tamboli .. Petitioner

Versus

Ravi S. Gupta and Ors. .. Respondents

**WITH
INTERIM APPLICATION NO.9606 OF 2024
IN
WRIT PETITION NO.8071 OF 2024**

Shama Haseen Khan .. Applicant

IN THE MATTER BETWEEN

Azhar Basha Tamboli .. Petitioner

Versus

Ravi S. Gupta and Ors. .. Respondents

Adv.Mayur Khandeparkar a/w Adv.Aneesa Cheema, Adv.Aditya Miskita i/b Adv.Rekha Musale a/w Adv.Nitin Rajguru for the Petitioner.

Adv.Kavita N. Solunke, A.G.P. for the Respondent No.13

Adv.Madhu Gadodia a/w Adv.Sujay Mukherji a/w Adv. Deveesha Tudekar i/b M/s.Anand & Naik for the Respondent No.9

Adv.Fazlurrahman Shaikh, Advocate Karim Pathan and Adv.Shane Illahi for the Applicant in I.A. No.9606 of 2024.

Adv.Advait M. Sethna a/w Adv.Ashutosh Mishta a/w Adv.Poushali Roychoudhury for the Respondent Nos.7, 8 and 14

Senior Adv.Rahul Narichania a/w Adv.Siddharth Thacker, Adv.Sunilkumar Neelambaran, Adv.Jeyhaan Carnac, Adv.Aaron Kevin Fernandes i/b M/s.Mulla & Mulla & Craigie Blunt & Caroe for the Respondent Nos.1 to 6

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.
DATE: JUNE 19, 2024**

P. C.

1. The Applicants have filed Intervention Application No.9605 of 2024 and 9606 of 2024 seeking to *inter alia* intervene in the aforesaid Writ Petition. They are permitted to intervene in the aforesaid Writ Petition. The Petitioner shall amend the Writ Petition by formally impleading both these Parties. Amendment to be carried out within 1 week from today.

Reverification of the Writ Petition is dispensed with. Respondents No. 1 to 6 do not admit the contents of these Intervention Applications.

2. The Court has viewed the Film “HAMARE BAARAH” with the consent of parties and has heard counsel for parties at considerable length. The Court has suggested certain changes to be made to the Film which all Parties, including the interveners, have agreed to. The changes are as under:

a. The disclaimer which is shown at the inception of the Film will be displayed on screen for a duration of 12 seconds.

b. The message reading “ACCORDING TO THE SHARIA (LAW), MUSLIMS ARE ALLOWED TO PRACTICE POLYGYNY. ACCORDING TO THE QURAN, A MAN MAY HAVE UP TO FOUR LEGAL WIVES ONLY IF THERE IS A FEAR OF BEING UNJUST TO NON-MARRIED ORPHAN GIRLS. EVEN THEN, THE HUSBAND IS REQUIRED TO TREAT ALL WIVES EQUALLY IF A MAN FEARS THAT HE WILL NOT BE ABLE TO MEET THESE CONDITIONS THEN HE IS NOT ALLOWED MORE THAN ONE WIFE.” together with its Hindi translation will be displayed on screen for a duration of 12 seconds.

c. The dialogues mentioned at paras I(ix) & I(x) of the aforesaid Writ Petition shall be muted.

d. The words “*Allah Hu Akbar*” appearing in the dialogue at 45 min 4sec of the Film shall be muted.

e. Additionally it is agreed between the Parties hereto that the recitation of Ayat 223 which is recited in Arabic language at the inception of the Film, will be muted.

f. The Film “HAMARE BAARAH” will be sent/uploaded to the CBFC by the Respondents 1 to 6 after carrying out the aforesaid changes at Paras 2(a) to (e) aforesaid. The CBFC will upon receipt of the application for re-certification of the Film under Rule 31 of the Cinematograph (Certification) Rules, 2024, shall forthwith (and in any event no later than 12 Noon on 20 June 2024), grant a fresh certification based on the aforesaid changes.

g. Upon such certification being received from the CBFC, which shall be no later than 12 Noon on 20 June 2024, Respondent Nos. 1 to 6 shall be at liberty and also entitled to forthwith exhibit the Film “HAMARE BAARAH” on all Platforms of their choice.

h. Respondent Nos.1 to 6 are at liberty to upload the Trailer viz. Trailer No.3 (of the Film “HAMARE BAARAH”) certified by the CBFC on 12 June 2024 vide certificate No. DIS/2/33/2024-DEL on social media and also advertise/publicize the said Film in newspapers, hoardings, posters and handbills.

- i. Upon satisfaction of the aforesaid conditions, no party shall have objection to exhibition of the Film and its trailer on any platform or screen.
- j. Respondents 1 to 6 shall donate within 8 weeks of the Film being released a sum of Rs. 5 Lakhs to Ideal Relief Committee Trust which will be used to provide reliefs to people in times of natural disasters.
3. There are teasers/trailers that are appearing on social media which contain several dialogues which were ordered to be deleted by the CBFC. Respondents 10 to 12 are directed to forthwith take down this teasers/trailers with immediate effect.
4. If Respondents No.1 to 6 desire to exhibit any fresh trailer/trailers of the film "HAMARE BAARAH" or if they desire to upload the same on any social media platforms (including on the platforms of Respondents 10 to 12), it is clarified that, so long as such trailer/trailers are certified by the CBFC, they have the liberty to do so.
5. The Writ Petition and the Intervention Applications are accordingly disposed of with no order to costs.

6. This order will be digitally signed by the Private Secretary/
Personal Assistant of this Court. All concerned will act on production by fax
or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]