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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 31.01.2025

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W.P.(C) 1192/2025 and CM APPL. 5782/2025

SAHIL PARVEZ & ORS.

.....Petitioners

Through: Mr. Mehmood Pracha, Mr. Sanawar,
Mr. Jatin Bhatt, Mr. Kshitij Singh,
Mohd. Hasn, Mr. Nujhat Naseem and
Ms. Heema, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Chetan Sharma, ASC, Ms. Nidhi
Raman, CGSC, Mr. Amit Gupta, Mr.
Arnav Mittal, Mr. Zubin Singh, Mr.
Aakash Mishra, Mr. Shubham
Sharma and Mr. Vikramaditya Singh,
Advs. for R-1/UOI.
Mr. Jayant Mehta, Sr. Adv., Mr.
Kushagra Singh, Ms. Rudrali Patil,
Mr. Abhishek Singh, Mr. Anmol
Agarwal, Mr. Prateek Arora, Mr.
Vikramaditya Sanghi and Mr.
Abhishek Singh, Advs. for R-3.

40

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W.P.(C) 1211/2025 and CM APPL. 5928/2025

SHARJEEL IMAM

.....Petitioner

Through: Ms. Warisha Farasat, Mr. Ahmad
Ibrahim, Mr. Talib Mustafa, Ms.
Ayesha Zaidi and Ms. Mreganka
Kukreja, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Chetan Sharma, ASG, Ms.
Radhika Biswajit Dubey, CGSC, Mr.
Amit Gupta, Ms. Gurleen Kaur, Mr.
Shubham Sharma and Mr.



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Vikramaditya Singh, Advs. for R-1.
Mr. Amit Prasad, Special Counsel for
R-3, Inspector Suhaib Ahmad
Farooqui, Special Cell, Lodhi Colony.
Mr. Jayant Mehta, Sr. Adv., Mr.
Kushagra Singh, Ms. Rudrali Patil,
Mr. Abhishek Singh, Mr. Anmol
Agarwal, Mr. Prateek Arora, Mr.
Vikramaditya Sanghi and Mr.
Abhishek Singh, Advs. for R-4 to 8.

41

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W.P.(C) 1263/2025 and CM APPL. 6250/2025, 6251/2025

UMANG

.....Petitioner

Through: Dr. Amit George, Mr. Praful
Bhardwaj and Ms. Rupam Jha, Advs.

versus

UNION OF INDIA AND ORS & ANR.

.....Respondents

Through: Mr. Chetan Sharma, ASG, Ms.
Radhika Biswajit Dubey, CGSC, Mr.
Amit Gupta, Ms. Gurleen Kaur, Mr.
Shubham Sharma and Mr.
Vikramaditya Singh, Advs. for R-1.
Mr. Sidhant Kumar and Mr. Om
Batra, Advs. for R-3.
Mr. Jayant Mehta, Sr. Adv., Mr.
Kushagra Singh, Ms. Rudrali Patil,
Mr. Abhishek Singh, Mr. Anmol
Agarwal, Mr. Prateek Arora, Mr.
Vikramaditya Sanghi and Mr.
Abhishek Singh, Advs. for R-7 to 12.

47

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W.P.(C) 1275/2025 and CM APPL.6294/2025, 6295/2025

MOHD. REHAN @ ARSHAD PRADHAN

.....Petitioner

Through: Mr. Abhishek Budhiraja, Advocate.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Chetan Sharma, ASG, Ms.



Radhika Biswajit Dubey, CGSC, Mr. Amit Gupta, Ms. Gurleen Kaur, Mr. Shubham Sharma and Mr. Vikramaditya Singh, Advs. for R-1. Mr. Sidhant Kumar and Mr. Om Batra, Advs. for R-3. Mr. Jayant Mehta, Sr. Adv., Mr. Kushagra Singh, Ms. Rudrali Patil, Mr. Abhishek Singh, Mr. Anmol Agarwal, Mr. Prateek Arora, Mr. Vikramaditya Sanghi and Mr. Abhishek Singh, Advs. for R-7 to 12.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

1. These petitions raise a common grievance *viz.* that a Movie titled as “2020 Delhi” (hereinafter ‘the Movie’), of which a ‘trailer’ is accessible on social media, depicts a highly prejudicial and distorted account of the riots that took place in North-East Delhi in February, 2020, and thereby create a false and disruptive narrative having serious repercussions.
2. It is further submitted by the petitioners in these petitions that the Movie will severely prejudice the ongoing trial in respect of the events/incidents that took place in North-East Delhi in February 2020. In W.P.(C) 1192/2025, the petitioner has gone to the extent of contending that the same will tend to interfere in the administration of justice and, therefore, falls within the sweep of Section 2(c) of Contempt of Court Act, 1971.
3. The petitioners in each of these petitions further submit that the Movie trailer is being widely circulated on online platforms, and the same



by itself presents a distorted, erroneous, and false narrative.

4. The petitioner in W.P.(C) 1211/2025 has articulated a further grievance that the petitioner has been singled out, for being projected in bad light in the Movie. It is further submitted that the trailer itself suggests that the petitioner is one of the main protagonists in the movie; the narrative of the movie is such that the petitioner has been demonised, portrayed in a negative light, and virtually condemned even before the conclusion of the trial. Consequently, it is sought that the Movie's release be postponed until the trial under SC No. 163/2020 arising out of FIR No. 59/2020 is concluded.

5. It has been assumed by the petitioners, that the Central Board of Film Certification (hereinafter "the CBFC") has already granted the requisite certificate for the Movie's release and public screening. The petitioners in W.P.(C) 1192/2025, W.P.(C) 1263/2025 and W.P.(C) 1275/2025 pray for setting aside of the certification by the CBFC and also seek that the producers of the movie be enjoined from publicly releasing the Movie, until the criminal cases involving the petitioners are disposed of.

6. In W.P.(C) 1263/2025, again, it is submitted that the Movie has all the making of the narrative that could insight communal discord and incite religious sentiments, thereby violating the constitutional guarantees of secularism and public order. It is averred that the Movie is in contravention of the provisions of the Cinematograph Act of 1952 and the rules and guidelines associated with it. It is submitted that if the Movie is certified and released, the same would violate Articles 19(2) and 25 of the Constitution of India.



7. The petitioner in W.P.(C) 1263/2025 also made a complaint to the Election Commission of India as regards the Movie in question, seeking that requisite action be taken to prevent the screening of the Movie as the same may influence the ongoing electoral process (for the Legislative Assembly of NCT, Delhi) and manipulate the voters. It has been specifically sought in the complaint made by the petitioner to the Election Commission of India that the producers of the Movie be restrained from launching the Movie and be directed to remove the trailer from all social media platforms.

8. Respective counsel for the parties, including learned counsel for the petitioners, the Union of India, the producer/s of the Movie, and the Election Commission of India, have been heard at an extensive length.

9. At the outset, it is necessary to take note of the clarifications/statements made by Mr. Jayant Mehta, learned senior counsel for the producers of the Movie in question, on instructions. He has categorically stated that:

- (i) the CBFC certification for the public screening of the Movie in question, is yet to be obtained;
- (ii) unless and until the requisite certification is obtained from the Central Board of Film Certification, the producers shall necessarily refrain from public screening of the Movie, including in theatres;
- (iii) pending certification of the Movie, the producers shall not release the same through any social media platform; and
- (iv) the Movie is a fictional and dramatised account. It does not purport to represent/ portray a recreation of the events that transpired in February, 2020, and a disclaimer to this effect shall be exhibited/



displayed at the beginning of the movie and also at the beginning of the Movie's official trailer.

10. In view of the aforesaid statement, a substantial part of the controversy sought to be raised by the petitioners has become moot.

11. Necessarily, the Central Board of Film Certification will suitably consider whether the Movie is suitable for public screening, with or without restrictions. It is noted that Section 5(b) of the Cinematograph Act, 1952 prescribes the principles for guidance in certifying films. The same reads as under:-

“5B. Principles for 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.”

12. In the case of ***Hiten Dhirajlal Mehta Vs. Bhansali Production and Others***, 2022 SCC OnLine Bom 372, it has been held by a Division Bench of the Bombay High Court as under:-

“27. The certificate granted by the Board on 30th December, 2021, we are inclined to hold, carries with it a presumption that it owes its existence to adherence to the rigorous procedure prescribed by the Rules read with the Guidelines for Certification of Films for Public Exhibition (hereafter "the Guidelines") issued in exercise of power conferred upon the Central Government by section 5-B(2) of the Act. Though a presumption is indeed rebuttable, there is no iota of material in PIL (L) No. 5227 of 2022 and WP (L) No. 5235 of 2022 that certification of the film was granted by the Board without adhering to the Rules/Guidelines. Pertinently, we have not found any reference in the pleadings that any provision of the Act, the Rules and/or the Guidelines have been observed in the breach in granting certification for public exhibition of the film. The petitioners in PIL (L) No. 5227 of 2022 and WP (L) No. 5235 of 2022 have also not alleged any violation of their rights, either



Fundamental, other Constitutional or statutory right. This being the position of the pleadings, grant of relief is a far cry.

28. Even though the Court may form a view one way or the other with regard to depiction of any particular area in a particular way, or if any material is present or shown in a film which seeks to denigrate a particular community, it would be impermissible for the Court to interfere in the absence of any challenge to the certification of the film for public exhibition granted by the Board. We are inclined to take a view, on the authority cited, that once a certificate is issued by the Board upon securing compliance of its directions for modifications either in the form of excision/deletion/substitution etc., as in the present case, there cannot be any kind of obstruction for exhibition of a film which is certified. Public exhibition can only be restrained by the Central Government if an approach is made under Rule 32 of the Rules read with section 6 of the Act or upon a challenge being mounted to the certificate before a Court exercising jurisdiction under Article 226 of the Constitution and obtaining a stay of the certificate. Once the film is granted certificate by the competent statutory authority, i.e., the Board, the producer or distributor of the film has every right to exhibit the film in a hall unless, of course, the said certificate is modified/nullified by a superior authority/Court. Any move of any body, group, association or individual to assume the position of the certificate granting authority has to be discouraged and nipped in the bud.”

13. It has been held in ***Adarsh Cooperative Housing Society Limited vs. Union of India and Others***, 2018 17 SCC 516, relying upon ***Viacom 18 Media (P) vs. Union of India***, 2018 1 SCC 761, as under :

“.... Once the certificate has been issued, there is prima facie a presumption that the authority concerned has taken into account all the Guidelines including public order”

It has been further held as under:-

“... the grant of certificate by the CBFC, after consulting with the authorities of the Army, should dispel any apprehension of the members of the Society.”

14. Thus, at this stage, when the request for the requisite certification is still pending consideration by the CBFC, it is premature for this Court to



examine the objections of the petitioners in respect of the Movie.

15. As regards the objection that the trailer of the Movie by itself seeks to project a detrimental and distorted version of events, it is again noted that the producers of the Movie have stated that an appropriate disclaimer shall be exhibited/ displayed at the beginning of the Movie's official trailer. The producers of the Movie have also agreed upon the format/contents of the disclaimer, and it has been stated that the same shall be in line with the disclaimer approved by the Bombay High Court in ***Lt. Col. Prasad Shirkant Purohit Mumbai vs. National Investigating Agency, Mumbai***, 2024: BHC-OS: 18519-DB. The same reads as under :

“The film is a fictionalised and dramatized version. No scenes should be construed to represent a true or accurate recreation of the actual events that transpired. It is not a commentary or documentary or a biopic on the characters, circumstances, or situations depicted in the film. The film has been created by the filmmakers by taking creative liberties and dramatizing the events for cinematic expressions.

The film does not warrant, represent, or make any claim of authenticity or historical correctness of any events and/or incidents projected in this film. Some character names, places, history of any person (living or dead), and buildings used in the film may be fictitious and any resemblance to reality is purely coincidental and unintentional

The film, the producers, the directors, the artists, or any other person associated with the film do not intend to malign, defame or slander, or hurt the sentiments, or be disrespectful to any person(s), place, region, country, religion, sect, community or individual(s) or religion sentiments beliefs or feelings of any person(s). The filmmakers fully acknowledge and respect other perspectives and viewpoints with regard to the contents of this Film. The use of certain expressions is only for dramatizing the performance and incidents portrayed in the film and the makers of the film and any other persons associated with this film do not support the use of such expressions by any person.

The filmmakers have taken utmost precautions to represent the armed forces, uniforms, and settings in their truest sense. Any diversion or error



is completely unintentional.

The producer, director, artists, or others associated with this film are loyal to the Indian Constitution and all law-abiding citizens and have not created this film to incite any disorder or lawlessness.”

16. It may also be noted that a Division Bench of this Court in “***Shilpesh Chaudhary and Anr. Vs. Union of India and Ors.***”, 2013 SCC OnLine Del 996, and a Division Bench of the Kerala High Court in ***Adv. Anoop V.R. vs. Union of India***, 2023 SCC OnLine Ker 2974, expressed reservations about drawing any conclusions about the movie based on the trailer alone since the trailer does not fully reveal the context of the dialogues and scenes.

17. The learned ASG has also pointed out that the transmission of the trailer through social media platforms/internet would be outside the purview of the Cinematograph Act, 1952. In this regard, reliance has been placed on the judgment passed by a Division Bench of the Karnataka High Court in ***Mr. Padmanabh Shankar vs. Union of India***, ILR 2019 KAR 4630, in which it has been, *inter-alia*, held as under:-

“9. However, in this petition, we are called upon to decide the Megal issue of applicability of the provisions of the said Act of 1952 to films, cinema, serials etc, which are transmitted or broadcasted through the internet. We have carefully perused the said Act of 1952. Part II of the said Act of 1952 deals with the certification of films and the principles for guidance in certifying films. All these provisions deal with public exhibition of films within the meaning of Clause (dd) of Section ? of the said Act of 1952. For the purpose of this petition, Clause (c) and Clause (dd) of Section 2 of the said Act of 1952 are relevant which read thus:

“(c) “Cinematograph” includes any apparatus for the representation of moving pictures or series of pictures;

(dd) “film” means a cinematograph film; ”

The said Act of 1952, therefore, applies to films within the meaning of Clause (dd) of Section 2 of the said Act of 1952 which have to be



necessarily cinematograph films. The concept of what is a cinematograph is in Clause (c) of Section 2 of the said Act of 1952 which we have quoted above. The cinematograph is an equipment which includes a camera which creates a film and the machine which exhibits or displays a film. A video is recording of moving images and their recording is made digitally or in the form of digital files. Therefore, as held by some of the High Courts, a video film or a video compact disc is included in Clause (c) of Section 2 of the said Act of 1952.

10. In this petition, we are dealing with what is available on the internet. Broadly speaking, internet can be said to be an interconnected network which connects the computers across the globe. It can be said to be an interconnected network of all the web-servers worldwide. When we come to web-server, it is essentially a program that uses Hyper Text Transfer of Protocol [http] to serve the files that form web pages to the users which are provided in response to their requests which are forwarded by http client on their computers. There may be various films or serials transmitted via internet. If we take into consideration the concept of internet and how the internet operates, it is impossible to accept the submission that the films or serials which are transmitted or exhibited through internet will constitute films within the meaning of Clause (dd) of Section 2 of the said Act of 1952. In fact, if we consider the concept of internet, it is very difficult to accept the contention that through the internet there is an exhibition of films or serials. The internet contemplates transfer of files in response to the requests made by the users.”

18. In any event, since the trailer of the Movie would be prefaced by a suitable undertaking (in terms of the statement made on behalf of the producer/s), the same dispels any notion/apprehension that the movie/ trailer portrays any actual event/s. In fact, in ***Lt. Col. Prasad Shirkant Purohit vs. National Investigating Agency, Mumbai***, 2024: BHC-OS: 18519-DB, the judgement in the case of ***Mushtaq Moosa Tarani vs. Government of India & Ors.***, 2005 SCC OnLine Bom. 385, has been distinguished on the basis that the disclaimer in the latter case sought to suggest that the movie was based on true events. It was specifically observed in ***Lt. Col. Prasad Shirkant Purohit*** (supra) as under:



“5. As far as the judgment relied upon by Mr. Pandya in the case of Mushtaq Moosa is concerned, we find that the same is clearly distinguishable on facts. In that case, the film, "BLACK FRIDAY" was based on a book also of the same name. In this book, it was stated that the author has gone into the heart of the conspiracy and the massive investigation that ensued. The book was claimed to be a true story of the Bombay Bomb Blast. The film "BLACK FRIDAY", and which was based the said book, also gave a disclaimer which sought to suggest that the movie was based on true events. In fact, the disclaimer that the movie producers of the film "BLACK FRIDAY" gave was that the film was based on the book "Black Friday" and the events depicted in the film are true to the book and are constructed from the case for the prosecution. This disclaimer itself sought to suggest that the movie was a dramatization of true events. It is in these circumstances that the Division Bench in Mushtaq Moosa came to the conclusion that the movie "BLACK FRIDAY" ought not be released until the judgment is delivered. The facts before us are completely different. As mentioned earlier, the present film is not based on any true events but is a fictionalized and a dramatized version of the book "The Game Behind Saffron Terror" and no scenes should be construed to be represent a true or accurate recreation of the actual events that transpired. Once this is the case, we find that the entire apprehension of the Petitioner is misconceived.”

19. Consequently, the Division Bench of the Bombay High Court did not accept the plea that the release of the film will “affect the fair and free trial” of the petitioners therein. The reasoning in the said judgment squarely applies to the present case as well in the context of the petitioners’ objection/s to the trailer of the Movie.

20. As regards the grievance of the petitioner in W.P.(C) 1275/2025 that the trailer of the Movie is being used to influence voters and/ or create a political narrative, it would be apposite for the Election Commission of India to examine the complaint of the said petitioner, and if warranted, take suitable measures as per the applicable rules and guidelines. This Court takes note of the statement made by the learned counsel for the Election Commission that they are in the process of examining the complaint; the



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same shall be dealt with on priority, and decided as expeditiously as possible.

21. In the circumstances, no further orders are required to be passed in the present petitions. The same are, accordingly, disposed of. All pending applications also stand disposed of.

JANUARY 31, 2025/at

SACHIN DATTA, J