

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE SUSHRUT ARVIND DHARMADHIKARI
&
THE HONOURABLE MR.JUSTICE P. V. BALAKRISHNAN**

Friday, the 27th day of February 2026 / 8th Phalguna, 1947

WA NO. 547 OF 2026

**ARISING FROM ORDER DATED 26/02/2026 WP(C) 6854/2026 OF THIS COURT
APPELLANT(S)/3RD RESPONDENT:**

VIPUL AMRUTLAL SHAH, PROPRIETOR OF SUNSHINE PICTURES, 102, BHARAT
ARK, OFF VEERA DESAI ROAD, MHADA COLONY, AZAD NAGAR, ANDHERI WEST,
MUMBAI, MAHARASHTRA, PIN - 400053

BY ADVS.SRI. A.C.VENUGOPAL, GAUTHAM MOHAN

RESPONDENT(S)/PETITIONER AND RESPONDENTS 1 AND 2:

1. FREDDY V FRANCIS, AGED 34 YEARS S/O V. D FRANCIS, RESIDING AT
VAZHAKOOTATHIL HOUSE, MARADU, NETOOR S.O, ERNAKULAM, PIN - 682040
2. UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF
INFORMATION AND BROADCASTING, NEW DELHI, PIN - 110001
3. CENTRAL BOARD OF FILM CERTIFICATION, CXR7+Q2, ROAD, KARINKADAMUGAL,
THIRUVALLAM, THIRUVANANTHAPURAM, KERALA, PIN - 695027

Prayer for interim relief in the Writ Appeal stating that in the
circumstances stated in the appeal memorandum, the High Court be pleased
to stay the operation of the interim order dated 26.02.2026 passed by the
learned Single Judge in W.P.(C) No. 6854 of 2026, pending disposal of this
Writ Appeal and thus render justice.

This Writ Appeal coming on for admission on 27.02.2026 upon perusing
the appeal memorandum, the court on the same day passed the following:

SUSHRUT ARVIND DHARMADHIKARI
&
P.V. BALAKRISHNAN, JJ.

.....
W.A.Nos.547 and 548 of 2026

.....
Dated this the 27th day of February, 2026

ORDER

Sushrut Arvind Dharmadhikari, J.

Admit.

2. Heard both sides on the question of interim relief.

3. These writ appeals are filed by the 3rd respondent, the producer of the cinematographic film titled "The Kerala Story 2- Goes Beyond", challenging the interim order dated 26.02.2026 passed by the learned Single Judge in W.P.(C)Nos.6574 and 6854 of 2026, staying the release of the afore movie for a period of 15 days.

4. The learned Single Judge has stayed the release of the movie after verifying the contents of the teaser, by finding that it has a *prima facie* potential to distort public perception and disturb communal harmony. The learned Single Judge also found that there are *prima facie* materials which indicate and manifest the absence of application of mind to the requirement of law by the CBFC and the possibility of communal disharmony and/or denigration of a community involved in the movie.

W.A.Nos.547 and 548 of 2026

2

5. In the instant case, it is an admitted fact that the contents of the teaser, the screenshots of which are produced as exhibits in the writ petition, do form part of the movie. It is not disputed that the CBFC has issued the certification after watching the movie in full. It is an admitted fact that both the writ petitioners have not seen the movie in full and are relying on the teaser released to substantiate their contentions in the writ petition. The Hon'ble Apex Court in the decision in **Viacom 18 Media Private Limited and others v. Union of India and others [(2018) 1 SCC 761]**, while considering the question whether the exhibition of a movie has to be stayed or not has held;

".....The creative content is an insegregable aspect of Art.19(1) of the Constitution. Needless to emphasise, this right is not absolute. There can be regulatory measures. Regulatory measures are reflectible from the language employed under S.5B of the Act and the guidelines issued by the Central Government. Once the parliamentary legislation confers the responsibility and the power on a statutory Board and the Board grants certification, non-exhibition of the film by the States would be contrary to the statutory provisions and infringe the fundamental

W.A.Nos.547 and 548 of 2026

3

right of the petitioners. That apart, as we understand at present from paragraph 27 of the judgment in the case of **Prakash Jha Productions [(2011) 8 SCC 372]**, it is the duty and obligation of the State to maintain law and order in the State.

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It has to be borne in mind, expression of an idea by any one through the medium of cinema which is a public medium has its own status under the Constitution and the Statute. There is a Censor Board under the Act which allows grant of certificate for screening of the movies. As we scan the language of the Act and the guidelines framed thereunder, it prohibits use and presentation of visuals or words contemptuous of racial, religious or other groups. Be that as it may. As advised at present, 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 is pertinent to note that the afore view of the Hon'ble Apex Court was again reiterated by the Hon'ble Apex Court in the recent decision in **Atul Mishra v. Union of India and others [W.P. (C)No.181 of 2026 dated 19.02.2026]**. It was also held in this decision that once the expert body has considered the impact of the film on the public and has cleared the film, it is no excuse to

W.A.Nos.547 and 548 of 2026

4

say that there may be a law and order situation due to screening of the movie.

6. The afore decisions thus clearly stand to advice that once a certificate has been issued, there is, *prima facie*, a presumption that the authority concerned has taken into account all the guidelines, including public order, and that if, due to the release of the movie, any issue of public order arises, it is the duty of the state to maintain it. This presumption thus includes that, the film has been judged in its entirety from the point of view of its overall impacts, by taking into consideration the principles enunciated in Section 5B of the Cinematograph Act, 1952 and the relevant guidelines. In such circumstances, merely on the basis of a few clippings and without viewing the movie, the finding of the learned Single Judge that the guidelines for certification have not been borne in mind by the CBFC while granting certification, cannot be countenanced. That apart, the fact that insertions/ excisions/modifications, have been carried out by the appellant in the movie as per the

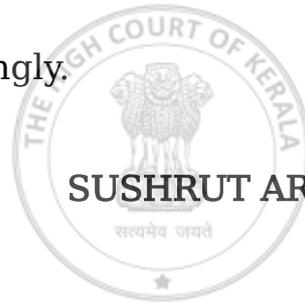
W.A.Nos.547 and 548 of 2026

5

directions of the CBFC would only further reinforce the fact that there is an application of mind from the part of CBFC while granting the certificate.

In the light of the afore discussions, we are of the view that the impugned order dated 26.02.2026 passed in W.P.(C)Nos.6574 and 6854 of 2026 interdicting the release of the movie is only to be stayed and we do so.

Ordered accordingly.



Sd/-
SUSHRUT ARVIND DHARMADHIKARI,
JUDGE

Sd/-
P.V. BALAKRISHNAN,
JUDGE

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