

Writ Petition No.5562 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON : 28.04.2025

PRONOUNCED ON : 18.07.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

Writ Petition (MD)No.5562 of 2025
and W.M.P. (MD)No.4056 of 2025

1.R.Ramkumar
2.K.Rameshkumar
3.Dr.S.Venkatesh

...Petitioners

Vs

1.The Union of India,
Represented by its Secretary,
Ministry of Electronics and Information Technology,
New Delhi.

2.The Inspector General of Tamil Nadu Police,
South Zone, Madurai.

3.The National Commission for Protection of Child Rights
Represented by its Member Secretary,
5th Floor, Chanderlok Building, 36 Janpath,
New Delhi – 110 001.

4.The National Commission for Women
represented by its Chair Person,
Plot - 21, Jasola Institutional Area,
New Delhi - 110 025.

5.Google India Private Limited,
No.3, RMZ Infinity – Tower E, Old Madras Road,
4th and 5th Floors, Bangalore, Karnataka – 560 016.

... Respondents



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PRAYER : Writ Petition filed Under Article 226 of the Constitution of

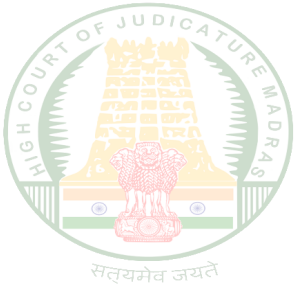
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India, to issue a writ of Mandamus directing the first respondent to issue to appropriate direction to the 5th private respondent to remove the child pornographic content of the teaser of Bad Girl movie, that was released on 26.01.2025, from its online networks and platforms including but not limited to You tube platform, direct the 3rd and 4th respondents to take appropriate actions in accordance with law, and furthermore direct the second respondent to initiate criminal actions against the fifth respondent and the persons involved in the offence of producing, conceiving, directing, filming, releasing and distribution of the child pornography material contained in the teaser of the movie Bad Girl under the provisions of POCSO Act and POSH Act and other criminal laws of the land connected and in respect of child pornography and child sexual exploitation and abuse material.

For Petitioners : Mr.Anandhapadmanabhan
and Mr.B.Lenin Balu
for M/s.Agam Legal

For Respondents : Mr.K.Govindarajan
Deputy Solicitor General, [for R1, 3 and 4]

Mr.M.Sakthi Kumar
Additional Public Prosecutor [for R2]



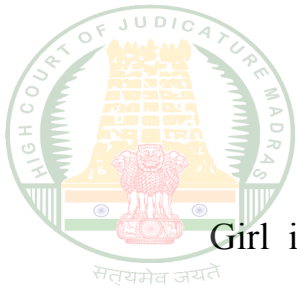
Mr.G.Manoj Kumar [for R5]

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ORDER

This writ petition is filed to direct the 1st respondent to issue to appropriate direction to the 5th respondent to remove the child pornographic content of the teaser of Bad Girl movie, that was released on 26.01.2025, from its online networks and platforms including You tube platform and direct the respondents 3 and 4 to take appropriate actions in accordance with law, and furthermore direct the second respondent to initiate criminal actions against the fifth respondent and the persons involved in the offences of producing, conceiving, directing, filming, releasing and distribution of the child pornography material contained in the teaser of the movie Bad Girl under the provisions of POCSO Act and other criminal laws in respect of child pornography and child sexual exploitation and abuse material.

2. The learned Senior counsel appearing for the petitioners would submit that the 3rd petitioner is working as a Deputy General Manager (legal) in a private establishment in Madurai and an academician, researcher, turned qualified lawyer and father of school children, a daughter and son. On 01.02.2025, he came to view the teaser of a Tamil Movie Bad



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Girl in You Tube, which is being owned and operated by the private respondent and was in total disbelief and disgusted with the child pornography in the said teaser in dissemination of such sexual exploitation and abuse material is a grave concern and warrants immediate legal intervention. Immediately, on the same day, he filed online complaints to various authorities and statutory bodies including National Cyber Crime Portal, Tamil Nadu Police, National Commission for women. The petitioners 1 and 2 had also taken similar actions and the said illegal content is still freely available in the portal owned and maintained by the 5th respondent, which constitutes continuing offence and the delay and inaction of the respondents are equivalent to refusal and the action of the respondent is violative of fundamental rights guaranteed under Article 21 of the Constitution of India. The above said obscene content is in derogation with various statutory provisions including POCSO Act and Information Technology Act. Therefore, praying to allow this writ petition.

3. The learned counsel appearing for the respondents 1, 3 and 4 would submit that they have no records about the representation of the petitioner, if any complaint received, they will take appropriate steps in



accordance with law.

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4. The learned counsel appearing for the 5th respondent would submit that the petitioner has not impleaded You tube and the 5th respondent has no any role in this regard and therefore, the writ petition is liable to be dismissed.

5. In reply, the learned counsel appearing for the petitioners would submit that the first respondent is the competent authority to take action and therefore, the non impleadment of You tube will no way affect this case and therefore, the first respondent can initiate appropriate action to remove the said obscene content by issuing appropriate orders.

6. Heard both sides and perused the materials available on record.

7. The main contention of the petitioners is that the teaser of the Tamil movie Bad Girl in You tube posted obscene acts with child pornography. The content of the teaser of the Tamil movie Bad Girl contains child pornography and the content discloses exploitation of children (school students shown), depict them in a sexual manner, constituting a violation of Indian laws protecting children from sexual



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offenses and against wellbeing of the children in particular and society at large. The petitioners also produced the copies of the above said content of obscene act and it appears that there are obscene acts which affect the minds of the teen-age children and anybody can easily access the above said channel and it will spoil the minds of the children, however, it was hosted in the online platform of You tube, therefore, it will affect the minds of the children.

8. The pictures hosted in the YouTube can be accessed by anybody and there are no restriction to the children to access and to see the said pictures. If the children see the said contents of the videos, certainly it will spoil the mind of the children. It is the duty of the State to protect the children in all respect. It is the social responsibility of every citizen to protect the children. Without social responsibility, the said obscene pictures have been uploaded in the social media. Therefore, it cannot be allowed to continue. As long as it is in existence and visible to children, the number of victims may be increased. Therefore, it should be removed immediately.

9. As per the *Article 39(f) of the Constitution of India*, mandates



that 'the State shall, in particular, direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

10. As per the *Article 45 of the Constitution of India*, the State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

11. Therefore, the State has to ensure the protection against exploitation and to provide childhood care. The said words 'protection' and 'care' has to be given widest meaning. Already the petitioners lodged complaint before the concerned authorities, but no action was taken. Immediately after filing this petition and after having knowledge about the facts, the respondents ought to have taken steps without waiting for orders from this Court, but they have not taken any action.

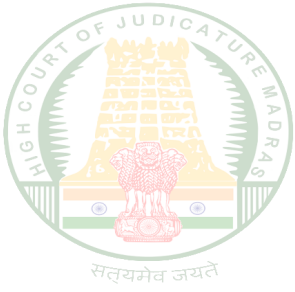
12. Therefore, the prayer sought for in this writ petition is to be



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granted by directing the first respondent to take appropriate action to remove the above said obscene contents from the You tube. Therefore, this Court directs the first respondent to take appropriate action to remove the above said obscene contents and videos of the movie 'bad girl' hosted in the YouTube either at <https://www.youtube.com/watch?v=y87Jp51PF-s> or any other address within one month from the date of this order. The respondents 3 and 4 also look into the matter and monitor and to take appropriate steps in accordance with law to prevent any type of child pornography.

13. As far as the non-impleading of the You tube platform is concerned, considering the serious nature of the issue, this Court need not wait till the impleadment of the YouTube as party to the proceedings, since the first respondent is a competent authority, he can issue notice to the concerned You tube and to take appropriate action to remove the obscene contents and the videos. As far as, taking criminal action is concerned, there are no necessary particulars provided and the proposed accused have to be identified and it is for the petitioners to approach the appropriate authorities by following the procedures in accordance with law.



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14. With the above said observations, the writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

18.07.2025

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

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Ministry of Electronics and Information Technology,
New Delhi.

2.The Inspector General of Tamil Nadu Police,
South Zone, Madurai.

3.The National Commission for Protection of Child Rights
Represented by its Member Secretary,
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4.The National Commission for Women
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Plot - 21, Jasola Institutional Area,
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P.DHANABAL , J.

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Pre-delivery order made in
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