



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (LODG.) NO. 34452 OF 2024

SHRADDHA
KAMLESH
TALEKAR

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Lt. Col. Prasad Shrikant Purohit
Mumbai

.. Petitioner

Versus

1. National Investigating Agency,
Mumbai.
2. Union of India
though I & B Ministry, New Delhi.
3. Central Board of Film Certification
4. Art Arena Creations Pvt. Ltd.
5. Zee Entertainment Ltd.

.. Respondents

Mr. Harish Pandya (through VC) with Ms. Anita Pandey and Mr. Mukesh Gupta and Dhrutiman Joshi, for Petitioner.

Mr. Adithya Iyer a/w. Advait Helekar, Jayesh Bhosale, Vijit Shinde and Manoj Borkar, for Respondent No.4.

Ms. Nirali Atha i/b Dua Associates, for Respondent No.5.

**CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

Date : November 14, 2024

P. C.

1. The above writ petition is filed seeking a stay to the release of the film, "MATCH FIXING", till Special Case No.1 of 2016 pending before the

Learned Special Judge, Greater Mumbai, is finally decided. Originally this writ petition was filed on the Criminal Side of this Court. Thereafter, this petition was amended and was converted into a Civil Writ Petition pursuant to an order passed on 13th November 2024. This is how the matter has come up before this Bench.

2. The main grievance of the Petitioner is that he is an accused in Special Case No. 1 of 2016 and the release of this film will affect the fair and free trial of the Petitioner. It is the case of the Petitioner that from the trailer of the film, it is suggested that the said film/movie is based “on the truth”, or at least based on true events. Once this is the case, it is imperative that till judgment is pronounced in Special Case No. 1 of 2016, the film ought not be released as the same could have an adverse effect on the judgment to be passed in Special Case No. 1 of 2016. To buttress this argument, Mr. Pandya, the Learned Counsel appearing on behalf of the Petitioner, relied upon a Division Bench judgment of this Court in the case of **Mushtaq Moosa Tarani Vs. Government of India & Ors.**¹ (for short “**Mushtaq Moosa**”). Mr. Pandya, relying on paragraph 60 of this decision, submitted that in almost identical facts, this Court directed that the movie “BLACK FRIDAY” (and which was the subject matter of the decision in **Mushtaq Moosa**) should not be released until the judgment is delivered in the case of the accused. He, therefore,

¹ 2005 SCC OnLine Bom. 385

submitted that we also follow the same path and restrain the release of the film “MATCH FIXING” as it would have an adverse effect on the judgment proposed to be passed in Special Case No. 1 of 2016.

3. We have heard Mr. Pandya, as well as the Learned Counsel appearing on behalf of Respondent No.4, who is the producer of the film, “MATCH FIXING”. What has been pointed out to us is that the film “MATCH FIXING” is purely a fictional creation and based on a book, *“The Game Behind Saffron Terror”*. In fact, the Learned Counsel appearing on behalf of Respondent No. 4 has also tendered to the Court a disclaimer that the producers will exhibit at the beginning of the film, along with a voice over at a reasonably comprehensive speed, so that the viewing public has enough time not only to read the aforesaid disclaimer but also hear the voice over. Basically, what this disclaimer states is that the film is a fictionalized and dramatized version and no scenes should be construed to represent a true or accurate recreation of the actual events that transpired. It is further stated that the film is not a commentary or a documentary or a biopic of the characters, circumstances, or situations depicted in the film. Despite this, we suggested certain modifications to the disclaimer tendered to us, and which have been agreed to by the Film Producer (Respondent No.4). To put it simply, and so that there’s no misunderstanding, for the sake of convenience,

the disclaimer that shall be exhibited by the Producer (as per our suggestion) is reproduced hereunder:

“ **DISCLAIMER**

This feature film is based on a book - "The Game Behind Saffron Terror" written by Kanwar Khatana.

The film is a fictionalized 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.”

4. Once we find that this is the disclaimer that will be exhibited, we do not think that the apprehension of the Petitioner is well founded. Once the film “MATCH FIXING” is stated to be based on fiction, there can be no apprehension that the trial in Special Case No. 1 of 2016, and in which evidence is already complete and is being heard for final arguments on a day-to-day basis, would in any way get affected by the release of the said film.

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.

6. The Writ Petition is accordingly dismissed. However, there shall be no order as to costs.

7. 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.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]