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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 1317/2018 & CM APPL. 5512/2018, 6753/2018,**  
**52340/2018**

VIJAY SINGH RAWAT

..... Petitioner

Through Mr Samrendra Kumar, Advocate with  
Mr Vivek Kr Srivastava, Mr Rahul Jaiswal,  
Ms Anita Srivastava, Advocates.

versus

SANDHYA ENTERTAINMENT  
AND ORS.

..... Respondents

Through Mr Sougata Ganguly, Mr Amit Jain,  
Ms Pooja Singh, Advocates for R1.  
Mr Sachin Chopra, Mr Rukban Tyagi, Ms Astha  
Gupta, Advocates for R-2.  
Mr Kirtiman Singh, Mr Prateek Dhanda,  
Mr Waize Ali Noor, Mr shruti Dutt, Mr Parth  
Semwal, Advocates for R3.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**16.01.2019**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a. Issue appropriate writ, orders or direction in the nature of mandamus and / or any writ or order of the like nature for direction to Respondents to stop the shooting of the Biopic movie RIFLEMAN JASWANT SINGH RAWAT.

b. Issue appropriate writ, orders or direction in the nature of mandamus and / or any writ or order of the like nature

for direction to Respondents no. 1 & 2 to remove Awinash Dhyani as actor, who playing the role of Martyr Jaswant Singh Rawat.

c. Issue appropriate writ, orders or direction in the nature of mandamus and / or any writ or order of the like nature directing Respondent no. 1 & 2 to produce the script of the Movie Rifleman Jaswant Singh Rawat before this Hon'ble Court.

d. Issue appropriate writ, orders or direction in the nature of mandamus and / or any writ or order of the like nature directing Respondent no. 1 & 2 to directing to give royalty to the family of Martyr Jaswant Singh Rawat.

e. Issue appropriate writ, orders or direction in the nature of mandamus and / or any writ or order of the like nature directing the Respondent no.3 to take appropriate and immediate action against the Respondent no. 1 & 2 and save the interest of Martyr Jaswant Singh Rawat and his Family.”

2. The petitioner is the brother of the Martyr Jaswant Singh Rawat, who was an soldier in the Indian Army and is a recipient of Mahavir Chakra for his bravery in the battle of Nuranang (Arunachal Pradesh) during the 1962 India-China war.

3. Respondent no.1 has produced a cinematographic film on Martyr Jaswant Singh Rawat, captioned as ‘72 Hours – Martyr who never died’. The petitioner claims that the said film invades the privacy rights of Martyr Jaswant Singh Rawat as well as his family members including the petitioner.

4. A perusal of the prayers made in the present petition also indicates that the petitioner seeks royalty from respondent no.1 and also demand that the leading actor playing the character of Martyr Jaswant Singh Rawat, be

changed.

5. Respondent no.1 has filed a counter affidavit, which indicates that an agreement permitting making of the film in question, was entered into with the family members of the petitioner on dated 09.06.2015. It is stated that the petitioner has also signed the said agreement as a witness. Respondent no.1 has also filed the photographs to indicate that the petitioner was present during shooting of the said film and had, in fact, inaugurated the *mahurat* shot. It is apparent from the above that the petitioner was fully aware that respondent no.1 were producing the cinematographic film, the release of which he now seeks to interdict. It is also apparent that consent was given to Mr Awinash Dhyani for making of such a film.

6. Nonetheless, this Court had requested Mr Kirtiman Singh, who appears for respondent no.3, to view the film and point out if there is any particular scene that could possibly be considered as objectionable or derogatory to the petitioner and/or his family. He states that he has watched the film and there is no scene which could possibly be considered as defamatory or derogatory to the petitioner and/or his family.

7. The learned counsel for the petitioner has also been called upon to point out if there is any scene, which the petitioner found to be offensive or derogatory. He submits that the film shows that Martyr Jaswant Singh Rawat was romantically involved with a lady who is also shown in spirit to be fighting along with him. He further states that the family of the Martyr is shown as living in impoverished conditions. He further submits that the respondents have also shown that the body of the martyr was brought to the family, which is factually incorrect. He states that, in fact, Martyr Jaswant

Singh Rawat was decapitated and the head was taken away by the Chinese soldiers.

8. Having heard the learned counsel, this Court is of the view that none of the averments indicate that the cinematographic film has shown the petitioner and his family in poor light. It is further asserted on behalf of the respondents that the petitioner had itself narrated the story that Martyr Jaswant Singh Rawat was involved with another lady and, therefore, introduction of that character is on the basis of the information as provided by the petitioner.

9. In view of the above, this Court finds no reason to interdict the release of the said movie. It is also apparent that the controversy as to whether the petitioner is entitled to any royalty or the terms on which consent was granted for making the said film involves several disputed questions of fact and it would not apposite to examine the same in these proceedings. Plainly, if the petitioner and his family had consented to making of the said film, he cannot be heard to complain against loss of privacy.

10. In view of the above, the petition is disposed of with the liberty to the petitioner to institute an appropriate action if so advised.

11. All pending applications stand disposed of.

12. Order *dasti*.

**VIBHU BAKHRU, J**

**JANUARY 16, 2019**

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