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W.P.No.20069 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.20069 of 2024

A.Palanisamy.

... Petitioner

/versus/

1. The Director General of Police,
Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

2. The Inspector General of Police,
Central Industrial Security Force,
CISF Rajaji Bhavan, Besant Nagar,
Chennai.

..Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents herein to provide necessary protection for the theatres screening the movie “Kavundampalayam” all over the State of Tamil Nadu based on my representation 09.07.2024 made to the 1st respondent herein.

For Petitioner : Mr.G.Karthikeyan, Senior Counsel,
for Ms.A.Jagadeeswari

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



W.P.No.20069 of 2024

ORDER

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This Writ Petition is filed seeking police protection for exhibiting the movie, namely, 'Kavundampalayam' which has been duly certified by the Central Board of Film Certification.

2. The reason for filing this Writ Petition is that, a statement given by fringe group in the press that if the movie is exhibited, they will protest and damage the screen.

3. The Learned Government Advocate (Crl.Side) for the respondents after getting instructions states that, so far no complaint received from any of the theatre owners regarding alleged threat. The petition indicates that the movie is supposed to be released on 05.07.2024, in around 150 theatres across Tamil Nadu. In the absence of any particular incident or threat, the prayer to provide police protection to all the theatres where the movie is supposed to be exhibited cannot be entertained.

4. The Learned Senior Counsel appearing for the petitioner states that the press statement of fringe groups making a open threat that they will damage the screen of the theatre and conduct protest itself is sufficient for the



W.P.No.20069 of 2024

police to take cognizance of illegal threat. However, they have not acted upon.

In case, the petitioner is ready to furnish details to the respective jurisdictional police about the details of the theatre and date of release, in such case, the police shall provide necessary protection.

5. This Court, after considering the material place before it, finds that the Freedom of Expression is subject to certain restrictions. Insofar as, Cinematography of Features films, Central Board of Film Certification is the Statutory Authority to decide whether the movie is fit for exhibition or not. Once the movie is certified and fit for exhibiting, fringe groups cannot take law into their hands and prevent exhibition of movie. This amount to violating the Freedom of Expression as well as preventing dissemination of information. The State Government of Tamil Nadu has a duty to protect fundamental rights of a person. Exhibition of movie even after certification if prevented by fringe groups, threatening consequences, it amounts to violation of Fundamental Right i.e., Freedom of Expression as well as Trade and Commerce. Hence, the respondent police is hereby directed to provide protection to the theatres where the movie is supposed to be exhibited.



W.P.No.20069 of 2024

6. The petitioner herein or its representatives, shall in advance intimate the jurisdictional police about the date of release, name of the theatre, number of shows in the theatre to the police, so that they can make necessary arrangements for police protection.

7. With this observation, this Writ Petition is disposed of. There shall be no order as to costs.

30.07.2024

Index : Yes/No.

Neutral Citation : Yes/No.

bsm

Note: Issue today

Copy to:-

1. The Director General of Police, Radhakrishnan Salai, Mylapore, Chennai – 600 004.
2. The Inspector General of Police, Central Industrial Security Force, CISF Rajaji Bhavan, Besant Nagar, Chennai.
3. The Public Prosecutor, High Court, Madras.



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W.P.No.20069 of 2024

Dr.G.JAYACHANDRAN,J.

bsm

W.P.No.20069 of 2024

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