



CNR: KAHC010403232026

NC: 2026:KHC:36677
MFA No. 4257 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 17TH DAY OF JULY, 2026
BEFORE

R

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR
MISCELLANEOUS FIRST APPEAL NO. 4257 OF 2026 (CPC-)

BETWEEN:

1. SRI DARSHAN SRINIVAS
S/O LATE THOOGUDEEPA SRINIVAS
AGED ABOUT 47 YEARS,
NO.217, THOOGU DEEPA NILAYA
F-ROAD, IDEAL HOME TOWNSHIP
RAJARAJESHWARI NAGAR
BENGALURU
KARNATAKA - 560 098.
2. SMT.VIJAYALAKSHMI DARSHAN,
W/O DARSHAN SRINIVAS
AGED ABOUT 43 YEARS,
NO.217, THOOGU DEEPA NILAYA
F-ROAD, IDEAL HOME TOWNSHIP
RAJARAJESHWARI NAGAR
BENGALURU, KARNATAKA - 560 098.

...APPELLANTS

(BY SRI.M.S.SHYAM SUNDAR., SENIOR COUNSEL FOR SRI.
PRATHAM N.,ADVOCATE)

AND:

1. SIRI PRODUCTIONS
(PROPRIETORSHIP CONCERN)
REP.BY ITS PROPRIETOR/PRODUCER
SRI. TANUSH S
NO.131, SRI RANGANATHA NILAYA
DASANAPURA, TUMKUR ROAD
BENGALURU -562 162.





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2. SRI. LAVA V
DIRECTOR
NO.131, SRI RANGANATHA NILAYA
DASANAPURA
TUMKUR ROAD
BENGALURU 562 162.
3. CENTRAL BOARD OF FILM CERTIFICATION (CBFC),
(UNION OF INDIA)
THROUGH ITS REGIONAL OFFICER
SHRI YASHWANT SHEHNAI
KENDRIYA SADAN, 'D' WING
4TH FLOOR, 17TH MAIN
KORAMANGALA
BENGALURU - 560 034.
4. KARNATAKA FILM CHAMBER OF COMMERCE (KFCC),
THROUGH ITS PRESIDENT
SRI. JAYAPRADHA,
NO.28, 1ST MAIN ROAD
CRESCENT ROAD, HIGH GROUNDS
BENGALURU 560 001.
5. META PLATFORMS, INC. (FACEBOOK),
THROUGH ITS AUTHORIZED SIGNATORY/GRIEVANCE
OFFICER, INDIA OFFICE 15TH FLOOR
WORLD TRADE CENTER
BRIGADE GATEWAY
MALLESHWARAM WEST
BENGALURU - 560 055.
6. X CORP (FORMERLY TWITTER),
THROUGH ITS AUTHORIZED SIGNATORY/GRIEVANCE
OFFICER
INDIA OFFICE, 9TH FLOOR
WORLD TRADE CENTER
BRIGADE GATEWAY
MALLESHWARAM WEST
BENGALURU - 560 055.



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7. GOOGLE LLC (YOUTUBE),
THROUGH ITS RESIDENT GRIEVANCE OFFICER
FOR YOUTUBE, SURAJ RAO
UNIT NO.26, THE EXECUTIVE CENTRE
LEVEL 8, DLF CENTRE, SANSAD MARG
CONNAUGHT PLACE
NEW DELHI - 110 001
8. NEW INDIAN EXPRESS,
REGISTERED CORPORATE OFFICE
EXPRESS GARDEN, 29, 2ND MAIN ROAD
AMBATTUR INDUSTRIAL AREA
CHENNAI - 600 058
BENGALURU
OFFICE NO.1, EXPRESS BUILDING
QUEENS ROAD
BENGALURU 560 001
REP. BY ITS EDITOR.
9. FILMIBEAT (GREYNIUM INFORMATION
TECHNOLOGIES PVT. LTD.),
VRR LEGACY NO.2, 1ST MAIN
4TH FLOOR, 1ST BLOCK
KORAMANGALA
JAKKASANDRA EXTENSION
BENGALURU - 560 034.
10. TV9 KANNADA,
TV9 KARNATAKA PVT LTD
13/1 RHENIUS STREET
RICHMOND TOWN
BENGALURU 560 025
11. ZEE KANNADA NEWS,
5TH FLOOR, THE LAND MARK BUIDLING
NEXT TO TRINITY METRO STATION
MG ROAD, YELLAPPA CHETTY LAYOUT
BENGALURU 560 042



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12. SRI. ASHOK KUMAR

...RESPONDENTS
(BY SRI.VIVEK SUBBA REDDY .SENIOR COUNSEL FOR SRI
DHANANJAY C.P., ADVOCATE FOR R-1 & R-2)

THIS MFA IS FILED U/S 43 RULE 1(R) OF CPC, AGAINST
THE ORDER DATED 02.06.2026 PASSED ON I.A.NO. I IN
OS.NO. 2151/2026 ON THE FILE OF THE XVII ADDITIONAL
CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-16),
DISMISSING THE I.A.NO. 1 FILED UNDER ORDER XXXIX RULE
1 AND 2 READ WITH SECTION 94(d) AND SECTION 151 OF
CPC.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

This appeal is preferred by the appellants/plaintiffs
challenging the order dated 2.6.2026 passed on I.A. No.1
in O.S. No.2151/2026 by the XVII Addl. City Civil &
Sessions Judge, Bengaluru.

2. Respondent Nos.1 and 2 are on caveat, who are
defendant Nos.1 and 2 before the trial Court. Since the
application in question is concerned with respondent no. 1
and 2, the others are not notified.



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3. Parties to the proceedings shall be referred to as per their ranking before the trial Court, for the sake of brevity.

4. Plaintiffs filed the suit against defendants for Permanent Injunction restraining the defendant Nos.1 and 2, their representatives from in any manner producing, filming, editing, promoting, marketing, releasing, distributing, exhibiting, telecasting, streaming, selling, licensing, leasing or dealing with the movie titled "BOSS". Alongwith with the plaint, an application came to be filed by the plaintiffs under Order XXXIX Rules 1 & 2 of CPC in I.A. No.1/2026 for grant of an ad-interim order of Temporary Injunction against defendant Nos.1 and 2.

5. Initially, before issuance of notice, the trial Court by an order dated 27.3.2026 passed an interim order on I.A. No.1/2026 against defendant Nos.1 and 2, Producer and Director of the movie. Based on the said order, respondents were notified and an affidavit of compliance is



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filed with regard to communicating the order to the defendants.

6. Before the notices were served, defendant Nos.1 and 2 moved an application for advancement by filing the written statement and adopting the same as statement of objections to the application - I.A. No.1 and sought to dispose of the application on merits. The matter was taken up and the application under Order - XXXIX Rules 1 & 2 of CPC came to be dismissed by the learned trial Judge by the impugned order dated 2.6.2026. It is this order of dismissal of IA.No.1 which is called in question by the plaintiffs in this appeal.

7. I have heard learned senior counsel – Sri M.S. Shyam Sundar appearing on behalf of learned counsel – Sri Pratham .N for appellants/plaintiffs as well as learned senior counsel – Sri Vivek Subba Reddy on behalf of learned counsel – Sri Dhananjay C.P. for respondent Nos.1 and 2.



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8. It is the contention of learned senior counsel - Sri M.S. Shyam Sundar appearing on behalf of learned counsel - Sri Pratham N for appellants/plaintiffs that plaintiff no. 1 is one of the most celebrated and commercially successful actor and film producer in the South Indian film industry, specifically the Kannada film industry (Sandalwood). Over a career spanning more than two decades, he has delivered a string of blockbuster Kannada films, earning fans across the State of Karnataka and beyond. It is also contended by learned senior counsel that plaintiff no. 1 is universally known, addressed and identified by his distinctive fans as "challenging star Darshan", "BOSS", and "D-BOSS". The last of which has become so uniquely and exclusively identified with him that the general public, the media, the Karnataka film industry, and the Courts themselves use it interchangeably with his name. The plaintiff No.2, who is the appellant No.2 herein is the wife of appellant No.1.



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8.1 It is further contended that the plaintiff No.1 has over the span of several years of hard work and dedication in the film industry identified himself to be a superstar and his fans conferred upon him the title "BOSS" as a mark of reverence and the same has been consistently used in media publications, social media, fan clubs, public discourse etc. It is further contended that this distinctive persona and trade identity is a valuable property right as recognized by Courts across India.

8.2 It is also contended that on 09.06.2024, Crime No.250/2024 was registered by the Kamakshipalya Police Station, Bengaluru against the plaintiff No.1 and others for the offences punishable under Sections 302 and 201 of the IPC, in connection with the alleged murder of one Sri Renukaswamy, a fan of plaintiff No.1.

8.3 It is further contended that the prosecution has set in motion the FIR and pursuant to the investigation, a charge sheet is filed by alleging that Sri Renukaswamy had



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allegedly sent obscene, offensive and objectionable messages to plaintiff no. 2 and upon the instigation of plaintiff no. 1, the said Renukaswamy was abducted, assaulted and killed and that his body was disposed of near a drainage in the area of Kamakshipalya, Bengaluru. It is further case of the prosecution that Sri Renukaswamy personally pleaded for his life stating words to the effect that he had a pregnant wife and aged parents at home, before he was killed.

8.4 It is further contended that following the investigation based on the FIR, charge sheet was filed and the case has been now registered in SC No.1319/ 2024 before the LVI Addl. City Civil & Sessions Judge, Bengaluru and the trial is currently at a nascent stage, with day to day hearing ongoing. It is further case of plaintiffs that plaintiff no. 1 is an under-trial prisoner. Since he has not been convicted yet and neither he has accepted his guilt, there is a presumption of innocence and the fundamental



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right under Article 21 of the Constitution of India as recognised in a catena of decisions of the Hon'ble Supreme Court operatives fully in his favour.

8.5 It is also contended by the learned counsel that from the very date of registration of a crime for the aforementioned offences against the plaintiff No.1 and others, the print media, television channels and social/digital media platforms have been engaged in what is described by the Courts as :

"a calculated media-driven adjudication, fostering a parallel narrative and engendering prejudicial pre-trial publicity" - disseminating speculative narratives, selectively leaked charge sheet, material, and unverified allegations, thereby engineering public perception and impairing the plaintiffs right to a fair trial"

8.6 This being the facts and circumstances of the case, the defendant Nos.1 and 2 directed and produced the Kannada feature film titled "BOSS" between



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November-2024 and September-2025. The said movie is produced under the banner of Respondent No.1 - Siri Productions by Sri Tanush .S, who plays the lead role and directed by Respondent No.2 - Sri Lava V, which is totally based on the alleged incident involving the plaintiff Nos.1 and 2, which is *subjudice* in S.C. No.1319/2024 before the LVI Addl. City Civil & Sessions Judge, Bengaluru.

8.7 It is the contention of learned senior counsel that the teaser of the film bore in its very opening frame, the explicit declaration "inspired by true events". Within hours of its release, the teaser was viewed by millions of persons and created an immediate and massive public association between the film and the ongoing criminal trial.

8.8 Learned senior counsel contends that a plain viewing of the teaser - as acknowledged even in paragraph-10 of the impugned order of the trial Court reveals, minimum of 13 striking, deliberate and



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unmistakable factual parallels to the prosecution's case in
S.C No.1319/2024, as tabulated below:

Sl.No.	Element in Film "BOSS" (Teaser/Promotions/CBFC Plot Summary)	Corresponding Fact in Sub-Judice Matter (C.C.No.1319/2024/ Crime No.0250/2024)
1.	Title of the film: "BOSS"	Appellant No.1 is publicly, universally and exclusively known as "D Boss" / "Challenging Star Darshan". He has acted in a blockbuster Kannada film itself. titled "Boss". The moniker is his commercial identity.
2.	Protagonist/ lead character repeatedly referred to as "Boss" by fans throughout the film	Appellant No.1's fans and the general public refer to him exclusively as "D Boss" or "Boss" not as a generic title but as a unique identifier specific to him.
3.	Celebrity figure accused of being involved in the killing of a fan/follower who sent obscene messages and calls to the protagonist's wife/girlfriend	The deceased, Renukaswamy, was a fan of Appellant No.1, who allegedly sent objectionable and obscene messages to Appellant No.2 (Vijayalakshmi Darshan), the wife of Appellant No.1. This is the precise foundation of Crime No. 0250/2024.



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4.	Victim heard pleading in the audio: "Don't kill me, I have a pregnant wife at home and aged parents"	Verbatim mirror of the victim Renukaswamy's alleged last words / dying declaration as specifically set out in the FIR and the charge sheet filed in Crime No. 0250/2024. No coincidence can account for this exact replication.
5.	The body of the victim is shown discovered next to a drainage pipeline.	The body of Renukaswamy was, as per the prosecution case in Crime No.0250/2024, discovered near a drainage in Kamakshi Palya, Bengaluru. The replication is precise.
6.	Celebrity protagonist is shown being arrested and subjected to police investigation	Appellant No.1 was arrested by Kamakshipalya Police in June 2024 and has been in custody since. He is currently facing day-to-day trial in C.C. No.1319/2024 before the LVI Additional City Civil and Sessions Judge, Bengaluru.
7.	Entire narrative, story, and settings are Bengaluru-centric	Crime No.0250/2024 and the trial in C.C. No.1319/2024 are entirely situated in Bengaluru. The victim was found in Bengaluru; the accused resides in Bengaluru.
8.	The protagonist's wife/girlfriend is named	Appellant No.2's full legal name is Vijayalakshmi Darshan - "Lakshmi" is the direct,



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	"Lakshmi"	unmistakable reference to Appellant No.2.
9.	Explicit opening disclaimer in the very first frame of the teaser: "Inspired by "True Events"	This is a direct and deliberate link to the real-life events forming the subject matter of the sub-judice criminal trial CC No.1319/2024. The disclaimer operates as a confession of the film's evidentiary foundation.
10.	Film carries two prominent female leads in the storyline	Reflects the real-life circumstances involving Appellant No.2 (wife) and the women to whom obsence messages were sent- mirroring the factual matrix of the charge sheet.
11.	CBFC plot summary describes protagonist as a "famous cricket player" yet the teaser and all promotional material show a celebrity entertainer and no cricket connection is visible in the teaser	This is a calculated misrepresentation by Respondents No.1 & 2 to circumvent Section 5B of the cinematograph Act, 1952. The CBFC certified based on a false plot summary. The actual teaser bears no cricket content whatsoever.
12.	Victim in the film is named "Shiva Swami"	Real victim: Sri. Renukaswamy the name is superficially altered to evade identification while retaining the critical "Swami" suffix maintaining the unmistakable resonance.



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13.	The crime scene in the film is referred to as "Palya"	The actual crime scene: Kamakshi Palya, Bengaluru the geographic reference is retained verbatim with only the qualifier "Kamakshi" dropped.
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8.9 Learned senior counsel further contends that the cumulative effect of these 13 parallels taken together with the "inspired by true events" opening declaration, is that the film constitutes a dramatic, cinematic re-enactment of the prosecution's version of the Criminal Case in S.C.No.1319/2024, presented to mass audiences as based on truth, while the trial itself is still ongoing and no verdict has been rendered.

8.10 It is also the contention of learned senior counsel that after release of the teaser, respondent no. 2 (the Director, Sri Lava .V), who also claims to be a practicing advocate, conducted a press conference in which he made public admissions confirming that the film draws from real events involving the appellants.



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8.11 In view of such events, the plaintiffs are constrained to file the suit seeking the following reliefs:

"a) Granting perpetual prohibitor injunction restraining the Defendant No.1 and Defendant No.2, its producers, directors, Lava V, lead actor Tanush S, their representatives, associates, servants, agents, employees, men or anyone claiming through or under them, from in any manner producing, filming, editing, promoting, marketing, releasing, distributing, exhibiting, telecasting, streaming, selling, licensing, leasing, or dealing with the movie titled "BOSS" (or any other movie/film/web-series/ content by whatever name called) based on or depicts the life of the Plaintiffs, the incidents alleged in the criminal case pending in S.C.No.1319 of 2024 before the LVI Additional City Civil and Sessions Judge, Bengaluru, or any elements directly or indirectly referring to or associating with the Plaintiffs' private life, family, reputation, the sub-judice criminal proceedings or any other similar incidents, and from using the Plaintiffs' name, image, likeness, personality rights, or any promotional material (posters, teasers, trailers, press meets, interviews, etc.) in any medium whatsoever.



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b) Declare that the Certificate No.DIL/7/33/2026-BAN dated 17.03.2026 issued by Defendant No.3 (Central Board of Film Certification) in favour of the movie "BOSS" is illegal, arbitrary, malafide, null and void ab-initio and contrary to the provisions of Section 5B of the Cinematograph Act, 1952 and the fundamental rights of the Plaintiffs under Article 21 of the Constitution of India.

c) Cancelling/revoking of the Certificate No.DIL/7/33/2026-BAN dated 17.03.2026 and directing Defendant No.3 (CBFC) to forthwith withdraw, cancel and recall the said certificate and not to permit any public exhibition, release, distribution, streaming or exhibition of the movie "Boss" in any form whatsoever.

d. Directing Defendant No.3 (Central Board of Film Certification) to forthwith cease and desist from examining, processing or granting any further certification (or re-certification) to the movie titled "Boss" or any such movie/content as described in prayer (a) above and to refuse certification in exercise of powers. under Section 5B of the Cinematograph Act, 1952 read with the Cinematograph (Certification) Rules, 2024.



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e. Granting perpetual prohibitory injunction restraining the Defendants No.5 to 7 (Facebook, Instagram, Twitter/X, YouTube and their affiliates) from uploading, hosting, streaming, promoting, sharing, or in any manner allowing circulation of the teaser, trailer, press meet videos, posters, promotional interviews, or any other material related to the said movie "BOSS" that depicts or refers to the Plaintiffs' life or the sub-judice criminal case, and directing them to immediately remove / block all such existing content from their platforms.

f. Grant perpetual prohibitory injunction restraining the Defendant No.8 to 11 herein or anybody claiming under him/them from broadcasting/ telecasting/ transmitting/ publishing/distributing/ sharing any material in permanent/transient/audio format in any print media/newspaper/television channels/local cable operated channels/internet/ website, uploading, hosting, streaming, promoting, sharing, or in any manner allowing circulation of the teaser, trailer, press meet videos, posters, promotional interviews, or any other material related to the said movie "BOSS" that depicts or refers to the Plaintiffs' life or the sub-judice criminal case, and



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directing them to immediately remove / block all such existing content from their platforms.

g. Granting perpetual prohibitory injunction against the unknown Defendants (impleaded as Defendant No.12 Ashok Kumar) including but not limited to cinema halls, multiplexes, theatres, exhibitors, distributors, owners, managers, agents, servants, employees or any person(s) claiming through or under them, from in any manner exhibiting, screening, showing or permitting the public exhibition of the movie titled "BOSS" in any theatre, cinema hall, multiplex or public place whatsoever within the jurisdiction of this Hon'ble Court or throughout the territory of India, pending final adjudication or until further orders. From releasing, publishing, distributing, telecasting, streaming, selling, licensing, leasing, exhibiting, or dealing with the movie "BOSS" or its rights in any manner or in any medium whatsoever on behalf of or for the benefit of Defendant No.1 or any other person.

h. Direct the Defendant No.1 and Defendant No.2 to pay to the Plaintiffs for violating the Plaintiffs right to privacy and personal liberty, infringement of his personality rights, mental



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agony, trauma, distress caused to the Plaintiffs and their family members due to the unauthorized and sensational portrayal in promotional material of their movie "Boss"

i. Award cost of the suit and all incidental costs to the Plaintiffs

j. Grant such other reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

8.12 Alongwith the plaint, an application is filed under Order - XXXIX Rules 1 and 2 of CPC seeking the following reliefs:

"That for the reasons sworn in the accompanying affidavit, the plaintiffs were in most respectfully prays before this Hon'ble Court to grant an order of Ex-parte ad-interim temporary injunction directing the Defendant No.1 and Defendant No.2, its producers, directors, the, there representatives, associates, servants, agents, employees, men or anyone claiming through or under them, from in any manner producing, filming, editing, promoting, marketing, releasing, distributing, exhibiting, telecasting, streaming, selling, licensing, leasing, or dealing



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with the movie titled "BOSS" (or any other movie /film/web-series / content by whatever name called) based on or depicts the life of the Plaintiffs, the incidents alleged in the criminal case pending in C.C. No.1319 of 2024 before the LVI Addl. City Civil and Sessions Judge, Bengaluru, or any elements directly or indirectly referring to or associating with the Plaintiffs' private life, family, reputation, the sub-judice criminal proceedings or any other similar incidents, and from using the Plaintiffs' name, image, likeness, Personality rights, or any promotional material (posters, teaser trailers, press meets, interviews, etc.) in any medium including theatres and/or Intermediary Streaming Platforms (OTT) whatsoever appointing a receiver for enforcement of the present order interest of Justice and Equity."

8.13 The trial Court initially had granted an ad-interim order of temporary injunction, but later on appearance of defendant No.1 & 2 by the impugned order dated 2.6.2026 dismissed the said application. Being aggrieved, the appellants/ plaintiffs are before this Court in the present appeal.



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9. Learned senior counsel appearing for appellants/plaintiffs vehemently contends that the impugned order passed by the learned trial judge is perverse, illegal, arbitrary and the same is liable to be set aside for the reason that the trial Court held that the suit rested on "wild guessing/imaginings", which is *ex facie* perverse.

9.1 Learned counsel for appellants/plaintiffs contends that the present case is based on identical facts. The film "BOSS", which bears an explicit name "Inspired by True Events" declaration, uses the moniker "BOSS" which is synonymous with the plaintiff no. 1 and contains thirteen factual parallels to the ongoing trial. Therefore, learned counsel contends that the ratio in the Black Friday case squarely applies and requires the trial Court to grant the injunction.

9.2 It is further contended that a colourable device designed to circumvent legal restrictions cannot be



validated by superficial changes. Calling a protagonist a 'cricketer' on paper while retaining 13 precise factual parallels to the prosecution's case cannot immunise the film. Learned senior counsel appearing for the appellants contends that it is the overall impression and the real events foundation that determines whether a trial relates to pending sub-judice proceedings. The trial Court has failed to apply this principle to unravel the truth. Having not done so, it amounts to perversity.

9.3 It is also contended by the learned senior counsel that the trial Court has committed a grave constitutional error by treating the defendants' right to cinematic expression under Article 19(1)(a) as effectively superseding the plaintiffs' non-derogable right to a fair trial and right to privacy under Article 21 of the Constitution of India.

9.4 Learned senior counsel contends that the film "BOSS" is based on the alleged incidents of prosecution



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case against plaintiff No.1 in S.C. No.1319/2024. There is a substantial high risk and prejudice that is caused to the plaintiffs and other accused in the administration of justice in view of ongoing criminal trial in S.C. No.1319/2024.

9.5 Learned Senior counsel further contends that a full-length feature film with an "Inspired by True Events" declaration is infinitely more prejudicial than a media report. As the film dramatises the prosecution case, it is manifestly contrary to the binding ratio laid down by the several judgements of the Hon'ble Apex Court.

9.6 Learned senior counsel further contends that this dramatization of cinematic re-enactment in the film, "BOSS" seriously prejudices the case of the plaintiffs in the criminal trial and therefore it is in violation of the constitutional provisions to have a fair trial to the plaintiffs without there being any bias or influence and tarnishing the image of plaintiff No.1.



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9.7 Learned senior counsel further contends that if television broadcasts amount to 'media-driven adjudication' warranting mandatory regulatory action, the production and release of a commercially distributed feature film dramatising the prosecution's case, is contemptuous of the pending criminal proceedings.

9.8 Learned senior counsel also contends that the finding of the trial Court that when the defendant No.3 – Central Board of Film Certification (**'CBFC'** for short), a statutory authority issued a certificate for release of the movie in question, prima facie it can be construed that the authority has taken into account all the guidelines and that the Court cannot sit as a Super Censor Board, is erroneous and lacks proper reasoning.

9.9 Learned senior counsel further contends that the question before the Court was not one of censorship, but one of whether the exhibition of the film would amount to contempt of Court and interference with the administration



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of justice, a matter which is exclusively within the domain of the Courts, but not the CBFC.

9.10 It is also the contention of learned senior counsel that a film which is explicitly declared as “inspired by true events”, replicating the prosecution's version in an ongoing murder trial, manifestly falls within the prohibition of Section 5B of the Cinematograph Act, 1952. The CBFC's failure to apply this provision renders the certificate void ab initio, which has been conveniently ignored by the learned trial judge, thereby causing grave miscarriage of justice.

9.11 Learned senior counsel further contends that the film “BOSS” constitutes a direct violation of plaintiff No.1’s right to privacy under Article 21 of the Constitution of India. The trial Court has not taken into consideration the constitutional right of privacy provided to the plaintiffs and has erroneously come to a conclusion that the film



titled "Boss" as a generic term is used widely in the film industry and it cannot be held as a monopoly.

9.12 Learned senior counsel further contends that producing a commercially distributed feature film "BOSS" without the consent of the plaintiffs, is violation of plaintiffs' privacy and personal autonomy.

9.13 It is further contended by learned Senior Counsel that the trial Court has committed perversity in coming to a conclusion that *"in the event, the plaintiffs able to establish at trial, that the movie in question is based on plaintiff No.1 and the same would cause serious injury to the reputation of the plaintiffs, they can be suitably compensated"*.

9.14 It is also contended by the learned senior counsel that on the contrary, plaintiff no. 1 will compensate for the cost of the movie/film if an interim order of injunction is granted and the film is not released till the trial is concluded, as it would prejudice not only the



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mind of the Court before which the criminal matter is pending, but also to the witnesses of the prosecution to paint a wrong image of the plaintiff No.1 as an offender.

9.15 Learned senior counsel further contends that the very same Court which has now passed the impugned order by dismissing the application for Temporary Injunction, earlier found that the plaintiffs have made out a valid prima facie case and had granted an ad interim order of temporary injunction. Thus, the trial Court has taken a 'U' turn and found that no prima-facie case is made out and dismissed the application and the same is due to non-application of mind, which calls for interference in this appeal.

9.16 Learned senior counsel further contends that several judgments placed before the trial Court were not properly appreciated and infact, the trial Court ought to have appreciated the said judgments and granted the interim order in favour of the plaintiff, which has not been



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done. Thereby, the trial Court has committed a serious error, illegality and perversity and not applied its mind in the proper prospective while passing the impugned order.

9.17 On these grounds, learned senior counsel appearing for the appellants/plaintiffs seeks to set aside the impugned order and grant the order of Temporary Injunction in favour of the plaintiffs.

9.18 In support of his contentions, learned senior counsel appearing for the appellants/plaintiffs has relied upon the following judgments:

- i) Judgment of the Bombay High Court in the case of Mushtaq Moosa Tarani Vs. Govt.of India and Ors. (2005 SCC OnLine Bom 385)
- ii) Judgment of the Karnataka High Court in the case of Sonakka Gopalagowda Shathaveri & Ors. vs. U.R.Anathamurthy and others {1987 SCC OnLine Kar 367}
- iii) Judgment of the Hon'ble Supreme Court in the case of Gujarat Bottling Co. Ltd and others Vs. Coca Cola and others {(1995) 5 SCC 545}



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- iv) Judgment of the Delhi High Court in the case of Naveen Jindal v.M/s Zee Media Corporation Ltd. & Anr. {AIR 2015 (NOC) 1281 (DEL)}
- v) Judgment of the Delhi High Court in the case of Vikhas Pahwa vs. Ashok Kumar (John Doe) & Ors in {CS (Comm) 38/2026}.
- vi) Judgment of the Karnataka High Court in the case of Uday Kumar vs. K.N.Vasanthappa (MFA No.231/2026 c/w MFA No.232/2026 decided on 24th February 2026).
- vii) Judgment of the Hon'ble Supreme Court in the case of Sahara India Real Estate Corporation Limited and others vs. SEBI {(2012)10 SCC 603}

10. Per contra, Sri Vivek Subba Reddy, learned senior counsel appearing on behalf of learned counsel - Sri Dhananjaya C.P. for caveator/respondent Nos. 1 and 2 vehemently contends that the appeal filed by the appellants/plaintiffs is not maintainable and is liable to be dismissed for the reason that the appellants/plaintiffs have not demonstrated any jurisdictional error, perversity, misreading of evidence or violation of settled legal



principles. Therefore, he contends that the present appeal preferred by the plaintiffs challenging the impugned order is only to obtain a second opinion on facts already considered by the trial Court.

10.1 It is further contended by learned senior counsel that defendant Nos.1 and 2 are Producer and Director of the film respectively and they are the only persons directly involved in the creation, production and exhibition of the film and therefore, the other parties to the appeal proceedings and the suit, are not proper and necessary parties. It is contended that the relief sought in the application is also only against defendant Nos.1 and 2.

10.2 It is contended that under the banner of 'Siri Productions', the defendant No.1 has directed a Kannada Movie namely "BOSS", which is produced by Sri Tanush and that the said Producer has performed the lead role in the said movie. It is also contended that the said movie,



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"BOSS" is completed and on 4.3.2026, movie has been viewed by the Examining Committee and has come to the conclusion that the film is suitable for unrestricted public exhibition, with an endorsement to carry out the excisions/modifications in the film and accordingly, the same was modified and on 5.3.2026 defendant no.3/CBFC had issued letter bearing No.CA021612202500054. Defendant Nos.1 and 2 have obtained necessary certificate dated 17.3.2026 issued by defendant No.3/CBFC in favour of the movie "BOSS" under the provisions of the Cinematograph Act, 1952.

10.3 It is further contended that the hero in the movie is a Cricketer by profession and the said hero is named as "Tanush" and the said hero plays for BCB Cricket Club. It is also contended that the said Tanush due to his cricketing skills is widely regarded as one of the greatest Cricketer and due to this, the fans conferred him the title as "BOSS" in the movie. It is also contended that the Tanush is also shown in the movie as a humble man



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and generous person, who believes in respecting everyone around him.

10.4 Learned senior counsel further contends that the movie, "BOSS" is not yet released and the plaintiffs have filed a suit in O.S. No.2151/2026 on the wild guessing/imagination and have formed a self opinion that the movie, "BOSS" is filmed based on the events occurred in the Charge Sheet in S.C. No.1319/2024, which is absolutely false and therefore, the entire arguments advanced by learned senior counsel for the appellants/plaintiffs cannot be accepted and has to be rejected on this score itself.

10.5 It is further contended by learned senior counsel that the movie, "BOSS" does not contain any name, photographs, family details, profession of plaintiff No.1 or any other particulars, which may lead to the disclosure of alleged similarities of incident which is subject matter of S.C. No.1319/2024 as alleged by the



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plaintiffs. Therefore, none of the provisions of Cinematography Act have been violated by defendant Nos.1 and 2 in any manner whatsoever. If at all any such violation was available, the same would have come to the light of the defendant No.3/CBFC for denying the certification in favour of the defendants 1 and 2. Having not found any such violations, the certification has been issued to the film by CBFC on 17.03.2026 under the Cinematograph Act and the relevant Rules. Therefore, he contends that this aspect with regard to violation has been examined by the statutory authority and the same has been found to be fit for public exhibition without any objectionable or unlawful content, and the certification process being a statutory, quasi-judicial exercise, Courts are expected to respect the expert opinion of the Board and not to interfere lightly with the certified film except in cases of clear violation of law or material injury to public interest.



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10.6 It is further contended that defendant No.4 is the Karnataka Film Chamber of Commerce (KFCC), which is an industry related association and does not have any role in production, certification or exhibition of the film and neither defendant No.1 nor defendant No.2 has entered into any business, transaction or title registration with defendant no. 4 in relation to the film. Therefore respondent no. 4/defendant No.4 is not necessary and proper party in the present proceedings.

10.7 Learned senior counsel further contends that the film, "BOSS" was scheduled for theatrical release on 24.04.2026, but the same has not been released yet in view of order of injunction granted by the trial Court initially. Thereby, in view of the delay in release of the film, defendant nos. 1 and 2 have incurred loss of more than one crore rupees.



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10.8 Learned senior counsel contends that there is a clear disclaimer at the initial portion of the movie, "BOSS", which is as follows:

"All *characters*, names, places and events *depicted* in this film are purely fictions. This film has absolutely no resemblance of the character to actual person, living or dead. Any similarity of the events herein depicted to the actual happening whether past or present is entirely coincidental, unintentional and is not to hurt any moral, religious or sentimental feelings of any community, caste, or person. We do not promote any of the situation seen this film".

10.9 It is further contended that there is absolutely no resemblance in the movie of any person's life or events in any manner whatsoever, muchless the life of the plaintiff no.1. Despite the same, the defendants nos. 1 and 2 have taken necessary precautionary measures in exhibiting a Disclaimer in the opening frame of the movie itself as the same is vital legal and regulatory tool used



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primarily to mitigate liability and manage audience expectations.

10.10 Learned senior counsel contends that there is absolutely no question of invading any privacy, much less that of the plaintiffs. The Hon'ble Supreme Court in the case of ***Justice K.S. Puttaswamy (Retd.,) -vs- Union of India*** reported in (2017)10 SCC 1 clarified that public information and fictional expression cannot be equated with private data and cannot be restrained solely on grounds of privacy.

10.11 Learned senior counsel also contends that the film is based on fiction and imagination and does not infringe on any person's true life events. Therefore, it cannot be said that there is infringement of privacy of any public personality or a person's privacy. Learned senior counsel also contends that in the entire movie, there is no mention of either the case number or the trial which is going on in S.C. No.1319/2024 against the plaintiffs. It is



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further contended that by filing a suit and the present appeal, a movie which is an imagination & expression of art cannot be barred for exhibition merely on the ground that certain generalized similarities exist with the real world events.

10.12 Learned senior counsel further contends that in the movie, there is absolutely no resemblance of either a true name, true life events of the plaintiff or any person. The Director of the movie has publicly stated that the film is completely fictional and does not portray any real life incident or person, and the protagonist of the film is portrayed as a cricketer engaged in social service, with no involvement in any crime, and the storyline of the film does not in any manner depict any incident connected to the plaintiffs, nor does it seek to defame or disparage them. The question of trying to put fetters to feathers of a flying bird is uncalled for, as freedom of Speech and expression is a fundamental right of every citizen of this Country.



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10.13 Learned senior counsel further contends that the movie, "BOSS" does not contain any name, photographs, family details, profession of the plaintiff No. 1 or any other particulars, which would lead to the disclosure of alleged similarities of incident, which is a subject matter of S.C. No.1319/2024. Learned counsel also contends that defendant nos. 1 and 2 are Producer and Director of the movie respectively and they are entitled to practice their trade and profession. Accordingly, they have directed the movie, "BOSS" which is a creative fiction and a work of art and in exercise of the constitutional rights conferred by Article-19(1)(a) of the Constitution of India, they are at liberty to produce and publish the said movie in accordance with law without violating any of the procedures contemplated under the Cinematograph Act, 1952 and the censorship of the CBFC Board.

10.14 Learned senior counsel also contends that Renukaswamy murder case involving actor - Darshan



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(plaintiff No.1) is in the public domain and widely reported in the electronic media, print media and social media and it is also true that this is presently subject matter of S.C. No.1319/2024, which remains in public eye and the same has been extensively covered, with details of the remand applications, police investigations and alleged evidence discussed widely.

10.15 Learned senior counsel contends that the film, "BOSS" is a purely fictional work created solely for entertainment purposes. The protagonist of the film does not commit any murder, kidnap, grievous assault etc., The protagonist also has no knowledge of any involvement or connection with the alleged kidnapping case, fatal assault. So also all characters, incidents, events, dialogues, situations portrayed in the film are entirely fictional and are the product of the writer's imagination. They are not intended to depict or refer to any real person, living or dead, any actual event, or any pending judicial proceedings. Any resemblance to any person,



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event or case is purely coincidental and unintended. It is further contended that the film is not based on any real life incident and does not seek to portray, influence or comment upon any pending criminal or civil proceedings. Whereas, it is a pure work of fiction protected as an artistic and creative expression, intended solely for entertainment. Learned senior counsel further contends that the murder allegations against the plaintiff no. 1 in S.C. No. 1319/2024 are nowhere connected and in the film "BOSS", there is absolutely no such allegation against the hero. The film "BOSS" does not portray or recreate any identifiable court trial, judicial proceedings relating to any real or pending case. Any courtroom or legal references, if any are purely fictional and are not intended to depict or represent any actual judicial proceedings.

10.16 Learned senior counsel contends that in the police charge sheet of the plaintiff no. 1's case which is before the trial Court, there are 17 accused persons, whereas the film "BOSS" does not contain 17 accused



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persons Further, the number of characters, their identities, their respective roles and sequence of events in the film are materially different and is in no way related to what the plaintiffs as alleged.

10.17 Learned senior counsel also contends that the title of the movie, "BOSS" is a generic word and no exclusive copyright has been obtained not to be used in any film or a movie and as the word, "BOSS" is a generic word, there have been many movies made under this title in different languages. Therefore, the plaintiff cannot claim a right of the name in his favour.

10.18 Learned senior counsel further contends that the present appeal is founded on assumptions, conjectures and surmises rather than on any concrete factual and legal basis and the plaintiffs have failed to specifically point out any scene, dialogue, poster or trailer that causes actionable defamation, infringement of personality rights



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or other legal injury or any privacy issues or violation of the privacy of the plaintiff.

10.19 Learned senior counsel further contends that films and movies are a medium of expression protected under Article 19(1)(a). Of course, the same is subject to reasonable restrictions under Article 19(2) of the Constitution of India.

10.20 Learned senior counsel further contends that once CBFC has given a certification for release of the film, Courts cannot and should not normally sit as a Super Censor Board as held by the Hon'ble Apex Court in the case of ***Bobby Art International -vs- Om Pal Singh Hoon*** reported in (1996)4 SCC 1. It is also contended by learned Senior Counsel that once such certification has been issued by the CBFC, the court should restrain itself from granting any injunction order for the reason that the freedom of expression requires to be protected and also upheld.



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10.21 Learned senior counsel contends that in the case of ***Nachiketa Walhekar -vs- Central Board of Film Certification*** reported in (2018)15 SCC 1, the Hon'ble Supreme Court held that the creative freedom and work of art must be protected and the Courts should interfere only in cases involving a clear violation of law or injurious effect to public interest. Therefore, he contends that there is absolutely no violation of any of the Act or the Rules formulated by the Union of India or the State and the defendants have not violated or infringed any fundamental rights of privacy of the plaintiffs as such, muchless covering the incident in S.C. No. 1319/2024 as alleged by the plaintiffs.

10.22 Learned senior counsel further contends that the plaintiff No.1 is an actor by profession, whereas, the protagonist Hero in the movie is a Cricketer by profession. It is also contended that the hero in the movie is finally shown to be elected as an M.L.A. of a particular assembly constituency. Therefore, the contents of the movie and



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the contents of the incident which is subject matter of S.C. No.1319/2024 are totally different. Therefore, the right to privacy of the plaintiffs would not be affected by virtue of release of the movie. Learned Senior counsel further contends that no doubt the Hon'ble Apex Court has held that right to fair trial is a fundamental right, but the Courts and the investigation agencies do not rely upon cinematographic films to render its decision or carry out any investigations.

10.23 Learned senior counsel further contends that while considering an application for grant of injunction, the trial Court is required to see the requirements of prima facie case, balance of convenience and hardship that would be caused to the parties and should not conduct a mini trial on merits of the case to decide that application. It is for the plaintiffs to make out a good ground and cogent reason for grant of temporary injunction in such matters. The Courts are required to see which party is going to be affected and more hardship and irreparable



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loss would be caused to which party rather than on the reputation of the plaintiff.

10.24 Learned senior counsel further contends that in the guise of filing the suit and in the guise of there being a criminal case against the plaintiffs and other accused and in the guise of the film, "BOSS" claimed to be the real story of the plaintiffs, the plaintiffs and their henchmen have threatened and targeted the defendants and their family members and associates through social media and sensationalizing reports. Therefore, there is a threat also to the lives of the defendant no. 1 and no. 2 and their families from the hands of plaintiffs.

10.25 It is also contended by learned Senior Counsel that in the event, the plaintiff No.1 is able to establish in the course of trial that the movie in question is based on his real life story and that the same would cause serious injury to the reputation of the plaintiffs and on being successful, the plaintiffs could be suitably compensated.



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But, the same cannot be done as against the defendant nos. 1 and 2 if the plaintiffs fail, as by then the defendants would have gone bankrupt and would have lost huge sum of money for non-release of the new movie, in case any order of injunction is granted. Therefore, learned Senior counsel contends that there is no merit in the submissions made by learned counsel for the appellants/plaintiffs as the movie "BOSS" is not a biopic of the plaintiff no.1, neither the hero in the movie is a film personality. There is no similarity whatsoever with the plaintiff no.1. Infact, there is a clear disclaimer at the initial portion of the movie "BOSS". The storyline is different, may be some of the instances are taken from the public domain. But that by itself will not prevent the defendants 1 and 2 from publishing a movie based on public records and public domain.

10.26 It is also contended by the learned senior counsel that all the events which are narrated by the plaintiffs are as it is available in the public domain. It is



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also contended that Plaintiff has not been duplicated in the movie. The hero in the movie has not been tainted as a bad person or having committed any crime. The story in a movie is totally fictional and the creation of art by the Director and Producer. Such work of art cannot be restrained by an order of injunction as the same would fall within fundamental right guaranteed under Article 19(1)(a) of the Constitution of India.

10.27 On these grounds, learned senior counsel appearing for respondent/defendant Nos.1 and 2 seeks to dismiss the appeal.

10.28 In support of his contentions, learned senior counsel relied upon the following judgments:

1. Judgment of the Hon'ble Supreme Court in the case of Nachiketa Walhekar Vs. Central Board of Film Certification and Another {(2018) 1 SCC 778}
2. Judgment of the Hon'ble Supreme Court in the case of R.Rajagopal Alias R R Gopal and another Vs. State of T.N. and others {(1994) 6 SCC 632}



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3. Judgment of the Hon'ble Supreme Court in the case of Adarsh Co-operative Housing Society Limited Vs. Union of India and others {(2018) 17 SCC 516}
4. Judgment of the Delhi High Court in the case of Mohammed Javed Vs. Union of India and Others {W.P.(c) 11876/2025, CM Appeal 48480/2025 & CM Appeal 48481/2025 decided on 7.8.2025}
5. Judgment of the Delhi High Court in the case of Jaikishan Kakubhai Saraf Vs. Peppy Store and others {(2024) 2 High Court Cases (Del) 253}
6. Judgment of the Punjab & Haryana High Court in the case of T-Series (also known as Super Cassettes Industries Private Limited) and Another Vs. Dreamline Reality Movies and Others { 2024 SCC OnLine P&H 661}
7. Judgment of the Delhi High Court in the case of Digital Collectibles PTE LTD and Others Vs. Galactus Funware Technology Private Limited and Another {CS (COMM) 108/2023 dated 26th April 2023}
8. Judgment of the Delhi High Court in the case of Krishna Kishore Singh Vs. Sarla A Saraogi & Others {2021 SCC OnLine Del 3146}



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11. Having heard learned senior counsel appearing for appellants and learned senior counsel appearing for respondents, the points that would arise for consideration in this appeal are:

- "i) Whether there is any perversity or illegality in the impugned order passed by the trial Court?*
- ii) Whether the impugned order passed by the trial Court calls for interference and if so, what order?"*

12. The three essential ingredients to be seen by the Court while considering the application for Temporary Injunction under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure are prima facie case; balance of convenience; and hardship that would be caused more to the aggrieved party. The burden is on the plaintiff by evidence aliunde by affidavit or otherwise that there is "a prima facie case" in his favour which needs adjudication at the trial. Satisfaction that there is a prima facie case by



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itself is not sufficient to grant injunction. The Court further has to satisfy that non-interference by the Court would result in "irreparable injury" to the party seeking relief and that there is no other remedy available to the party except one to grant injunction. Irreparable injury, however, does not mean that there must be no physical possibility of repairing the injury, but means only that the injury must be a material one, namely one that cannot be adequately compensated by way of damages. The third condition also is that "the balance of convenience" must be in favour of granting injunction. The Court while granting or refusing to grant injunction should exercise sound judicial discretion to find the amount of substantial mischief or injury which is likely to be caused to the parties, if the injunction is refused and compare it with that which is likely to be caused to the other side if the injunction is granted. Thus the Court has to exercise its sound judicial discretion in granting or refusing the relief of ad interim injunction pending the suit.



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13. In the backdrop of the facts of the case, the contentions of the learned Senior counsel from both sides and the judgments relied, this Court will have to consider the above three points.

14. In the present case on hand, the plaintiffs are aggrieved on the basis of teaser of the movie 'BOSS' being identical and similar to the life story of plaintiff No.1 and that it is taken out deliberately from the crime that plaintiff No.1 is alleged to have committed, where he is currently under trial prisoner in S.C.No.1319/2024. It is not in dispute that the name of the movie is 'BOSS'. It is also not in dispute that in the movie, the hero is a celebrity and there are minor similarities to the criminal case that is ongoing, in which plaintiff No.1 is accused No.2. But the question is whether merely for the reason of certain similarities and there being certain identical circumstances, the freedom of speech and expression as provided under fundamental right under Article 19 (1) can



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be curtailed to fetter the wings of an artist, who wants to portray a creation and imagination of a piece of art and a movie, which is based on fiction may be with few similarities of the present ongoing criminal case, taken out from the public domain where plaintiff No.1 is involved?

15. It is no doubt true that the plaintiffs certainly have the right to protect their personal life and liberty and it is also true that Article 19(1)(a), which guarantees the right to freedom of speech and expression would be subject to reasonable restrictions. Nevertheless, all these aspects that are canvassed cannot be seen in an isolated manner of individual points of violation or breach with regard to personal liberty, the movie having certain similarities, the criminal matter being sub-judice and so also with regard to the personal damage or injury that would be caused to the plaintiffs.

16. It is apparently seen that the movie is not a life story of plaintiff No.1. The whole movie is not absolutely



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what plaintiff No.1 is implicated in the criminal trial, where he is an under trial prisoner. But there are certain similarities of the incident that has taken place in criminal case in S.C.No.1319/2024 based on the information taken from public domain. It is a fact that the Central Board of Film Certification has issued Certification, which is the Censor Board and Statutory Authority to certify if the movie can be released and if there are any fetters to be imposed or any scenes to be cut from the movie for public viewing. It is also a fact that the CBFC has issued a certificate by giving a clean chit, however, by imposing certain conditions for removal of few things and causing disclaimers while displaying the movie. Therefore, once the Statutory Authority, which is an expert body, after evaluation has issued certification for release and screening of the movie, then in my humble opinion, the Court should not sit as a Super Censor Board over the expert body, which has evaluated the movie after proper verification and after putting certain restrictions.



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17. It is also seen that pursuant to plaintiff No.1 implicated in the criminal case, the press and electronic media have been reporting the case based on Court hearings and may be based on the investigation on a daily basis. Therefore, lot of materials with regard to plaintiff No.1's criminal case are in the public domain. Therefore, the materials in the movie are taken out from the public domain. When such being the case, it cannot be said that there is any infringement of the constitutional right of privacy of the plaintiffs being infringed.

18. It is no doubt true that the criminal trial is under progress. The matter has reached the Hon'ble Apex Court for grant of certain reliefs, for bail and etc. The Hon'ble Apex Court has passed an order directing the trial Court to dispose of the matter expeditiously and the same is under progress. Merely for the reason that the matter is sub-judice in the Courts, it does not mean that the movie should not be released as it may affect the personal liberty



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of the plaintiffs as claimed. It is to be seen that Article 19(1)(a) is a fundamental right of freedom of speech and expression of a person to demonstrate a creation, imagination and conceptualisation of peace of art and movie based on fiction and even if there is certain similarities, the freedom of speech and expression as provided under Article 19(1) cannot be curtailed unless it violates and breaches the requirement of Article 19 (2) i.e., the imposition of reasonable restriction in such an expression of art. At this stage, this Court is inclined to observe that merely because a movie is released depicting few instances, which may be similar to the ongoing trial, it cannot be said that the Courts dealing with such criminal trial would be influenced or swayed away by such depiction of art or similarities in the movie to decide the merits of the criminal trial. It is needless to mention that when the Courts are well equipped and has the wisdom to decide the matter on its legalities, not to mention on the basis of materials placed on record, both



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oral and documentary and on the basis of the statements of the witnesses and other host of things which are bound by the limitations of law and legal precedents, but certainly not the depiction made in a movie, which may be having certain similarities or identicalities.

19. It is also relevant to see that making of a movie is not as simple as it is to watch a movie. It involves lot of thinking. The expression of an artist's mind, creative mind, innovative thinking of a director, the huge expenses that would be incurred in making of the movie. So there is lot of financial investments in making of a movie and stopping or curtailing the release of the movie would have severe financial implications, loss and consequences. No doubt, it is true the Court has to weigh as to which of the parties would be incurring more hardship and inconvenience and loss while deciding the application for either grant or rejection of temporary injunction, apart from prima facie case and the balance of convenience.



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20. It is relevant to see what is the scope of the appellate Court while considering the application under Order XXXIX Rules 1 and 2 either for grant or rejection of the relief. In the case of ***Wander Ltd. -vs- Antox India P. Ltd*** reported in 1990 Supp SCC 727, the Hon'ble Supreme Court has held the emphasis is more as to see whether there is any perversity in the order by the trial Court than a mere error of fact or law in the order of granting injunction. It is also relevant to see that the basis of substituting a view of the trial Court should be *malafides*, capriciousness, arbitrariness or perversity. It is also relevant to understand this Court will have to see whether the discretionary order granted by the trial Court calls for any interference on the ground of perversity. Even if this Court were to come to a conclusion that there could be some other conclusion that could have been arrived at by this Court, the same cannot be replaced with a discretionary powers exercised by the trial Court.



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21. In the case of **Ramakant Ambalal Choksi v. Harish Ambalal Choksi** reported in **(2024) 11 SCC 351** by relying upon the judgment in the case of **Wander Ltd. v. Antox India P. Ltd.**, the Hon'ble Apex Court has once again reiterated the principles governing grant of temporary injunction. Paragraph No.34 would be relevant and the same is extracted as under:

"34. The burden is on the plaintiff, by evidence aliunde by affidavit or otherwise, to prove that there is "a prima facie case" in his favour which needs adjudication at the trial. The existence of the prima facie right and infraction of the enjoyment of his property or the right is a condition precedent for the grant of temporary injunction. Prima facie case is not to be confused with prima facie title which has to be established on evidence at the trial. Only prima facie case is a substantial question raised, bona fide, which needs investigation and a decision on merits. Satisfaction that there is a prima facie case by itself is not sufficient to grant injunction. The Court further has to satisfy that non- interference by the court would result in "irreparable injury" to the party seeking



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relief and that there is no other remedy available to the party except one to grant injunction and he needs protection from the consequences of apprehended injury or dispossession. Irreparable injury, however, does not mean that there must be no physical possibility of repairing the injury, but means only that the injury must be a material one, namely one that cannot be adequately compensated by way of damages. The third condition also is that "the balance of convenience" must be in favour of granting injunction. The Court while granting or refusing to grant injunction should exercise sound judicial discretion to find the amount of substantial mischief or injury which is likely to be caused to the parties, if the injunction is refused and compare it with that which is likely to be caused to the other side if the injunction is granted. If on weighing competing possibilities or probabilities of likelihood of injury and if the Court considers that pending the suit, the subject matter should be maintained in status quo, an injunction would be issued. Thus, the Court has to exercise its sound judicial discretion in granting or refusing the relief of ad interim injunction pending the suit. (See: Dalpat Kumar v. Prahlad Singh reported in (1992) 1 SCC 719.)"



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22. In the case of ***Dalpat Kumar and anr. v. Prahlad Singh and ors.*** reported in ***(1992) 1 SCC 719***, the Hon'ble Apex Court has laid down the principles of for grant and non-grant of injunctions and the considerations to be made therein. Paragraph No.5 would be relevant and the same is extracted hereunder:

"5. Therefore, the burden is on the plaintiff by evidence aliunde by affidavit or otherwise that there is "a prima facie case" in his favour which needs adjudication at the trial. The existence of the prima facie right and infraction of the enjoyment of his property or the right is a condition for the grant of temporary injunction. Prima facie case is not to be confused with prima facie title which has to be established, on evidence at the trial. Only prima facie case is a substantial question raised, bona fide, which needs investigation and a decision on merits. Satisfaction that there is a prima facie case by itself is not sufficient to grant injunction. The Court further has to satisfy that non-interference by the Court would result in "irreparable injury" to the party seeking relief and that there is no other remedy available to the party except one to grant injunction and he needs protection from the



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consequences of apprehended injury or dispossession. Irreparable injury, however, does not mean that there must be no physical possibility of repairing the injury, but means only that the injury must be a material one, namely one that cannot be adequately compensated by way of damages. The third condition also is that "the balance of convenience" must be in favour of granting injunction. The Court while granting or refusing to grant injunction should exercise sound judicial discretion to find the amount of substantial mischief or injury which is likely to be caused to the parties, if the injunction is refused and compare it with that which is likely to be caused to the other side if the injunction is granted. If on weighing competing possibilities or probabilities of likelihood of injury and if the Court considers that pending the suit, the subject matter should be maintained in status quo, an injunction would be issued. Thus the Court has to exercise its sound judicial discretion in granting or refusing the relief of ad interim injunction pending the suit."

23. The Hon'ble Apex Court in the very same judgment held "the phrases 'prima facie', 'balance of convenience' and 'irreparable loss' are not rhetoric phrases



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for incantation, but words of width and elasticity, to meet myriad situations presented by men's ingenuity in given facts and circumstances, but always is hedged with sound exercise of judicial discretion to meet the ends of justice.

24. It is also to be seen whether the order of the trial Court is perverse. Any order made in conscious violation of a pleading or law would be a perverse order. The Hon'ble Apex Court in the case of ***Nachiketa Walhekar -vs- Central Board of Film Certification and another*** reported in (2018)1 SCC 778 while dealing with a similar situation of a film or a drama or a novel or a book is a creation of art, held at paragraphs 4 to 7 as under:

"4. The thrust of the matter is whether this Court should entertain the writ petition and pass an order of injunction directing CBFC to delete the clip and further not to get the movie released in theatres on 17-11-2017. It is worthy to mention that freedom of speech and expression is sacrosanct and the said right should not be ordinarily interfered with. That apart, when Respondent 1, CBFC, has granted the certificate



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and only something with regard to the petitioner, which was shown in the media, is being reflected in the film, this Court should restrain itself in not entertaining the writ petition or granting injunction.

5. *Be it noted, a film or a drama or a novel or a book is a creation of art. An artist has his own freedom to express himself in a manner which is not prohibited in law and such prohibitions are not read by implication to crucify the rights of the expressive mind. The human history records that there are many authors who express their thoughts according to the choice of their words, phrases, expressions and also create characters who may look absolutely different than an ordinary man would conceive of. A thought-provoking film should never mean that it has to be didactic or in any way puritanical. It can be expressive and provoking the conscious or the subconscious thoughts of the viewer. If there has to be any limitation, that has to be as per the prescription in law.*

6. *The courts are to be extremely slow to pass any kind of restraint order in such a situation and should allow the respect that a creative man enjoys in writing a drama, a play, a playlet, a book on philosophy, or any kind of thought that is expressed on the celluloid or theatre, etc.*



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7. Needless to emphasise, the apprehension of the petitioner that this documentary would be used as evidence during the trial is not to be commented upon as that would be for the trial court to adjudge under the Evidence Act and we are sure, the trial court should exercise its jurisdiction in accordance with law."

25. In the case of ***R. Rajagopal @ R.R. Gopal and another -vs- State of T.N. and others*** reported in (1994)6 SCC 632, the Hon'ble Supreme Court held at paragraphs 26 and 29 as under:

"26. We may now summarise the broad principles flowing from the above discussion:

(1) The right to privacy is implicit in the right to life and liberty guaranteed to the citizens of this country by Article 21. It is a "right to be let alone". A citizen has a right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child-bearing and education among other matters. None can publish anything concerning the above matters without his consent — whether truthful or otherwise and whether laudatory or critical. If he does so, he



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would be violating the right to privacy of the person concerned and would be liable in an action for damages. Position may, however, be different, if a person voluntarily thrusts himself into controversy or voluntarily invites or raises a controversy.

(2) The rule aforesaid is subject to the exception, that any publication concerning the aforesaid aspects becomes unobjectionable if such publication is based upon public records including court records. This is for the reason that once a matter becomes a matter of public record, the right to privacy no longer subsists and it becomes a legitimate subject for comment by press and media among others. We are, however, of the opinion that in the interests of decency [Article 19(2)] an exception must be carved out to this rule, viz., a female who is the victim of a sexual assault, kidnap, abduction or a like offence should not further be subjected to the indignity of her name and the incident being publicised in press/media.

(3) There is yet another exception to the rule in (1) above — indeed, this is not an exception but an independent rule. In the case of public officials, it is obvious, right to privacy, or for that matter,



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the remedy of action for damages is simply not available with respect to their acts and conduct relevant to the discharge of their official duties. This is so even where the publication is based upon facts and statements which are not true, unless the official establishes that the publication was made (by the defendant) with reckless disregard for truth. In such a case, it would be enough for the defendant (member of the press or media) to prove that he acted after a reasonable verification of the facts; it is not necessary for him to prove that what he has written is true. Of course, where the publication is proved to be false and actuated by malice or personal animosity, the defendant would have no defence and would be liable for damages. It is equally obvious that in matters not relevant to the discharge of his duties, the public official enjoys the same protection as any other citizen, as explained in (1) and (2) above. It needs no reiteration that judiciary, which is protected by the power to punish for contempt of court and Parliament and legislatures protected as their privileges are by Articles 105 and 104 respectively of the Constitution of India, represent exceptions to this rule.



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(4) So far as the Government, local authority and other organs and institutions exercising governmental power are concerned, they cannot maintain a suit for damages for defaming them.

(5) Rules 3 and 4 do not, however, mean that Official Secrets Act, 1923, or any similar enactment or provision having the force of law does not bind the press or media.

(6) There is no law empowering the State or its officials to prohibit, or to impose a prior restraint upon the press/media.

29. *Applying the above principles, it must be held that the petitioners have a right to publish, what they allege to be the life story/autobiography of Auto Shankar insofar as it appears from the public records, even without his consent or authorisation. But if they go beyond that and publish his life story, they may be invading his right to privacy and will be liable for the consequences in accordance with law. Similarly, the State or its officials cannot prevent or restrain the said publication. The remedy of the affected public officials/public figures, if any, is after the publication, as explained hereinabove."*



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26. In the case of ***Adarsh Cooperative Housing Society Limited -vs- Union of India and others*** reported in (2018)17 SCC 516, the Hon'ble Supreme Court held at paragraphs 15, 17 and 18 as under:

"15. At this juncture, we may also state that the doctrine of sub judice may not be elevated to such an extent that some kind of reference or allusion to a member of a society would warrant the negation of the right to freedom of speech and expression which is an extremely cherished right enshrined under the Constitution. The moment the right to freedom of speech and expression is atrophied, not only the right but also the person having the right gets into a semi-coma. We may hasten to add that the said right is not absolute but any restriction imposed thereon has to be extremely narrow and within reasonable parameters. In the case at hand, we are obligated to think that the grant of certificate by the CBFC, after consulting with the authorities of the Army, should dispel any apprehension of the members of the Society.

17. The nature of the present matter compels us to recapitulate that the human history is replete with struggles to get freedom, be it



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physical or mental or spiritual. The creativity of a person impels him not to be tied down or chained to the established ideals or get enslaved to the past virtues and choose to walk on the trodden path. He aspires to rejoice with the new ideas and exerts himself to achieve the complete fruition. That is the determination for moving from being to becoming, from existence to belonging and from ordinary assumption to sublime conception. The creative intelligence kicks his thinking process to live without a fixed target but toying with many a target.

18. *We would be failing in our duty if we do not note the last plank of submission of Mr Hegde. He would suggest that this Court may direct the producer and director of the film to add a disclaimer so that no member of the Society would ultimately be affected by the film. The aforesaid submission on a first blush may seem quite attractive but on a slightly further scrutiny, if we allow ourselves to say so, has to melt into oblivion. Whether there is the necessity of "disclaimer" or not has to be decided by the Censor Board which is the statutory authority that grants the certificate. In fact, when a disclaimer is sought to be added, the principle of natural justice is also attracted. To*



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elaborate, the producer or director is to be afforded an opportunity of hearing. The Court should not add any disclaimer for the asking. Addition of a disclaimer is a different concept altogether. It is within the domain of the authority to grant certificate and to ask the director to add a disclaimer in the beginning of the movie to avoid any kind of infraction of guidelines. Though the suggestion is made in right earnest by Mr. Sanjay Hegde, yet we are impelled not to accept the same."

27. It is seen that Central Board of Film Certification (CBFC) has already given a certification with regard to film, 'BOSS' and there have been certain disclaimers which have been made out in the film just before the main movie starts in accordance to the guidelines issued by the CBFC. The contention of learned senior counsel – Sri Vivek Subba Reddy appearing for respondents is placed on record that the disclaimer is made and would be properly displayed before the film is shown as to the same being not based on true life events.



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28. In view of the aforesaid discussion and having gone through the impugned order and the erudite arguments of learned senior counsels appearing for appellants and respondents, this Court is of the opinion that there is no perversity, illegality or arbitrariness in the impugned order passed by the trial Court. The reasons assigned and the conclusion arrived at by the trial Court are just and proper and the appellants have not made out any good ground to interfere with the well-reasoned order passed by the trial Court. Therefore, the points formulated are answered accordingly.

29. Accordingly, I pass the following:

ORDER

- (i) This appeal stands ***dismissed***.
- (ii) This Court has not expressed any opinion on the merits of the matter.



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- (iii) Observations made herein are only restricted to the application under Order-XXXIX Rules - 1 and 2 of CPC.
- (iv) In view of dismissal of the appeal, pending interlocutory application, if any would not survive for consideration and the same pales into insignificance.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

GSS/VM
List No.: 1 Sl No.: 18