

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS**

Thursday, the 26<sup>th</sup> day of February 2026 / 7th Phalguna, 1947  
**WP(C) NO. 6854 OF 2026(F)**

**PETITIONER:**

**FREDDY V FRANCIS, AGED 34 YEARS, S/O. V. D FRANCIS, RESIDING AT  
VAZHAKOOTATHIL HOUSE, MARADU, NETOOR S.O, ERNAKULAM, PIN - 682040**

**RESPONDENTS:**

1. UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF INFORMATION AND BROADCASTING, NEW DELHI, PIN - 110001
2. CENTRAL BOARD OF FILM CERTIFICATION, CXR7+Q2, ROAD, KARINKADAMUGAL, THIRUVALLAM, THIRUVANANTHAPURAM, KERALA, PIN - 695027
3. VIPUL AMRUTLAL SHAH, PROPRIETOR OF SUNSHINE PICTURES, 102, BHARAT ARK, OFF VEERA DESAI ROAD, MHADA COLONY, AZAD NAGAR, ANDHERI WEST, MUMBAI, MAHARASHTRA , PIN - 400053

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to pass an ad-interim order staying the theatrical, digital, and satellite release, as well as the further exhibition and circulation of the cinematograph film titled "The Kerala Story 2" (scheduled for release on February 27, 2026), in its current form and with its current title, and restrain the 3rd respondent (Producers), their agents, and distributors from further publishing, broadcasting, or displaying any further promotional trailers, posters, or social media advertisements that carry the title "The Kerala Story 2" pending the final disposal of this Writ Petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S. SREERAG SHYLAN, FERHA AZEEZ & DEVANANDA S. Advocates for the petitioner, SMT.O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA along with SRI.K.ARJUN VENUGOPAL, CENTRAL GOVERNMENT COUNSEL for respondents 1 & 2 (B/O) and of SRI.S.SREEKUMAR (SENIOR ADVOCATE) along with M/S A.C.VENUGOPAL, GAUTHAM MOHAN & M/S. ELVIN PETER (SENIOR COUNSEL)& NITHYAESH NATRAJ (B/O) Advocates for the respondent 3, the court passed the following:

**BECHU KURIAN THOMAS, J.****W.P.(C) Nos. 6574 & 6854 of 2026**Dated this the 26<sup>th</sup> day of February, 2026**ORDER**

Admit.

2. These writ petitions have been filed, challenging the certification granted by the Central Board of Film Certification (for short 'CBFC') to the film titled "The Kerala Story 2 - Goes Beyond". Directions are also sought for reconsideration of the certification in the light of section 5B of the Cinematograph Act, 1952 (for short 'the Act'), as well as the revision petition filed under section 6 of the said Act.

3. In W.P.(C) No.6854/2026, apart from challenging the certification, petitioner has also sought for modification of the title of the film to a neutral name, to remove from the film all direct references to the State portraying it as indulging in romantic forceful conversions and also to remove the tagline 'inspired by true events' by replacing it with a disclaimer stating that the 'film is purely fictional and unsupported by government data'.

4. Petitioners allege that the movie "Kerala Story" was the prequel to the "Kerala Story 2 - Goes Beyond". In the prequel, the narration of the story was in respect of four women who fell into traps

W.P.(C) Nos.6574 &amp; 6854/26

-:2:-

laid by terrorists who became romantically involved with the women and converted them to another religion and forced them to become terrorists. Though the first movie allegedly projected 32,000 conversions to have taken place in a similar fashion, in a challenge that reached up to the Supreme Court, it was finally submitted on behalf of the producer of the movie that a disclaimer shall be added that there is no authentic data to justify any figure of conversion and that the film represents a fictionalised account of events forming the subject matter of the movie.

5. Petitioners assert that history is repeating with the sequel that is the subject matter of these writ petitions containing the narration that it is 'inspired by true events' without any supporting authentic data and containing visuals and dialogues that denigrates not only the State of Kerala and its people, but also a whole community of religious followers. Petitioners allege that a teaser is being circulated, which contains content from the movie, which is capable of promoting disharmony and inciting communal tension. It is also alleged that there is a direct call, capable of provoking retaliatory mobilisation and some of the scenes and statements even threaten law and order situation. Petitioner alleges that certification has been granted without addressing these aspects which indicates a clear abdication of statutory duty and non-application of mind. The petitioners also allege

W.P.(C) Nos.6574 & 6854/26

-:3:-

that a revision petition has been filed under section 6(1) and section 6(2)(c) of the Act before the Central Government and if the film is released before considering the revision petition, the statutory remedy will become meaningless and irreversible harm will occasion. Petitioner has also filed a petition Ext.P3 before the second respondent and Ext.P4 before the first respondent seeking to reconsider the certification granted to the movie.

6. In W.P.(C) No.6854/2026 the petitioner has produced five screenshots allegedly from the teaser of the movie now being circulated along with subtitles, which the petitioner alleges to be a clear indication that there was no application of mind by CBFC to the statutory objective and the guidelines laid down therein.

7. The second respondent has filed a statement questioning the locus standi of the petitioner and alleged that it is more in the nature of a public interest litigation and stated that a film will not be certified if it is against the interest of the sovereignty and integrity of India, security of the State, friendly relationships with foreign States, public order, decency or morality or involves defamation or contempt of court or is likely to incite the commission of any offence. The second respondent further states that the teaser and trailer released on social media are not certified by CBFC and they do not fall within the purview of the Act and therefore, since the movie has not yet been

W.P.(C) Nos.6574 &amp; 6854/26

-:4:-

released, the challenge is premature. It was also stated that the movie was examined in compliance with the guidelines issued under section 5B of the Act and considered with diligence, the content of the movie before granting certification. The second respondent further asserted that the narrative of the movie, though inspired by true events, is a work of fiction and is a dramatised version of the events depicted therein. It is admitted that the narrative and content of the film addresses the exploitation of women and highlights how innocent women are radicalised and brainwashed and in some cases converted to Islam. Respondent states that the film instead of offending religious sentiments only instills faith and conceptual values and ethos among women apart from conveying a message about the importance of choosing the right partner. It is also stated that CBFC had examined the movie and ensured that the State of Kerala is not shown in a derogatory or degraded manner and that they were of the view that the film does not pose any threat to public order. It was also submitted that the film was granted with a certificate of UA 16+, with some modifications/excisions.

8. A counter affidavit has been filed by the third respondent opposing the grant of an interim relief by questioning the locus standi of the petitioner and stated that the petition has been filed without any examination of the entire film and that CBFC as the sole expert

W.P.(C) Nos.6574 &amp; 6854/26

-:5:-

authority having certified the movie, presumption of law arises that all applicable guidelines including those pertaining to public order, communal harmony and national integration have been considered and found satisfied. According to the third respondent, the supervisory jurisdiction of this court does not extend to substituting its own assessment of a film's content for that of the expert judgment of the certifying authority. It is also stated that restraining the release of the movie without examining the complete film or without any prime facie infirmity in the decision on certification, that too based on a truncated teaser, would visit irreversible economic harm upon the third respondent. The balance of convenience is also stated to be in favour of the third respondent on account of the substantial cost that has already been incurred and the third-party rights created. The third respondent further states that as CBFC had examined the movie with its complete content and grants a certificate, neither the Executive nor the Courts can interfere and the power of judicial review is limited to verifying whether CBFC exceeded its jurisdiction or violated principles of natural justice or acted in manifest disregard of the applicable law.

9. I have heard Smt. Maitreyi Sachchidananda Hegde and Sri. Sreerag Shylan, the learned Counsel for the respective petitioners, Sri. K.Arjun Venugopal, the learned Central Government Counsel for respondent 1 and 2 as well as Sri. S. Sreekumar, the learned Senior

W.P.(C) Nos.6574 & 6854/26

--:6:-

Counsel, instructed by Sri. A.C.Venugopal and Sri. Elvin Peter, the learned Senior Counsel instructed by Sri. Nithyaesh Natraj, the learned Counsel for the third respondent.

10. The first issue to be addressed is with regard to the maintainability of these writ petitions. A writ petitioner as the *dominus litis*, has to explain the locus standi. The pleadings in the writ petition and the attendant circumstances, form the basis of determination of locus standi of a petitioner. In W.P(C) No.6574 of 2026, petitioner has narrated in the writ petition, his locus standi and has asserted that he is directly affected by the stereotyping and stigmatic association of his State in the movie. Petitioner has also averred that his regional identity has been implicated by the imputed certification especially since the portrayal is not generic but region specific. He is alleged to be directly affected by the title 'Kerala Story 2 - Goes Beyond' given for the movie and the portrayal of residents of Kerala as characters which tend to alienate him individually and as a whole. Petitioner has also alleged that his right to reputation, which is a fundamental right, has also been affected. The petitioner has even filed a revision petition before the Chairman of the second respondent, requesting to reconsider the certification granted to the movie.

11. The writ petitioner in W.P.(C) No. 6854 of 2026 has also specifically pleaded that as a resident of Kerala working in Spain, he is

W.P.(C) Nos.6574 &amp; 6854/26

-:7:-

being subjected to severe racial profiling due to the ill and defamatory content in the prequel titled 'Kerala Story'. He asserts that he is personally suffering and the first movie made it difficult for him to live and work abroad. According to him, the content of the new movie, as revealed from the visuals that are circulated, depict an entire State as a terror hub and unsafe space for daughters, which has affected him personally as well.

12. The above two writ petitions were posted before this Bench by the Registry without noting any defect. Hence these two writ petitions have been placed before this Court as per roster and hence prima facie, it has to be regarded as in accordance with the directions of the Hon'ble The Chief Justice. The writ petitioners have pleaded their personal and private interest in the matter. They have both voiced a grievance that affects their right to reputation, which is personal to them. Merely because an issue raised in a writ petition has the trappings of a public interest also, apart from the private interest, it cannot be regarded as a public interest litigation. Further, as noted earlier, the petitioner in W.P.(C) No.6574 of 2026 has already approached the second respondent as well as the first respondent to revise the certification. A legal wrong affecting the petitioners has been pleaded, which cannot be espoused as a public interest litigation.

13. Moreover, under rule 146A of the Rules of the High Court of

W.P.(C) Nos.6574 &amp; 6854/26

-:8:-

Kerala, 1971, a person filing a Public Interest Litigation, in addition to the requirements stipulated in the other rules of that chapter, has to precisely and specifically affirm in the affidavit to be sworn to by him, the public cause he is seeking to espouse, that he has no personal or private interest in the matter, that there is no authoritative pronouncement by the Supreme Court or the High Court on the question raised and that the result of the litigation shall not lead to any undue gain to himself or to anyone associated with him. Considering the nature of pleadings, and the direct personal interest pleaded in these two writ petitions, it may not be possible for the petitioners to even file an affidavit as prescribed in rule 146A of the Rules of the High Court of Kerala, 1971, that they have no personal interest. Therefore these two writ petitions are maintainable.

14. In **Vinoy Kumar v. State of U.P. and Others** (2001) 4 SCC 734, the Supreme Court held that, generally speaking, a person shall have no locus standi to file a writ petition, if he is not personally affected by the impugned order or his fundamental rights have neither been directly or substantially invaded nor is there any imminent danger of such rights being invaded or his acquired interests have been violated, ignoring the applicable rules. The relief under Art.226 of the Constitution is based on the existence of a right in favour of the person invoking the jurisdiction. The exception to the general rule is

W.P.(C) Nos.6574 &amp; 6854/26

-:9:-

only in cases where the writ applied for is a writ of habeas corpus or quo warranto or filed in public interest. It is a matter of prudence that the Court confines the exercise of writ jurisdiction to cases where legal wrong or legal injuries are caused to a particular person or his fundamental rights are violated, and not to entertain cases of individual wrong or injury at the instance of a third party, where there is an effective legal aid organisation which can take care of such cases. Even in cases filed in public interest, the Court can exercise the writ jurisdiction at the instance of a third party only when it is shown that the legal wrong or legal injury or illegal burden is threatened and such person is unable to approach the court for relief. In a case like the present, when censorship has been granted, every viewer has a right to challenge. They are even given a right to challenge the certification in revision. Considering the above circumstances, the decision in **Union of India v. Jijo Joy** [2026 (1) KHC 431] does not have any application to the facts of the present case.

15. The petitioner having pleaded private interest and contended that personal injury has been occasioned to them, these two writ petitions are maintainable.

16. Arguments were addressed by all parties on the merits of the case. Since none other than CBFC and perhaps the producers alone have watched the movie, it is too premature to conclude on the

W.P.(C) Nos.6574 &amp; 6854/26

-:10:-

merits of the allegations. However, the learned Central Government Counsel on a query put by the Court, conceded that the screenshots produced as Ext.P1(c), Ext.P1(d) and Ext.P1(e) form part of the movie and that they have not been subjected to any excision. The following words, dialogues and visuals are primarily alleged to be offensive:

(a) The epigraph "Inspired by true events" as seen from Ext.P1(c).

(b) The dialogue "Our mission is to convert Hindu girls", as evident from Ext.P1(d).

(c) The title "KERALA STORY 2 - Goes Beyond" with the inscription "And Sharia law will be enforced across all of India" as seen in Ext.P1(e).

17. Though the movie has not been viewed by anyone except CBFC and perhaps the producer, the question that arises is whether the above said dialogues and visuals, itself can have a potential for evil, requiring restraint.

18. In this context, it is appropriate to refer to the decision in **S. Rangarajan v. P. Jagjivan Ram and Others** [(1989) 2 SCC 574], wherein observations have been made, which reminds the need to maintain restraint and balance various factors, while creating a movie. It is observed that "*.....The combination of act and speech, sight and sound in semi - darkness of the theatre with elimination of all*

W.P.(C) Nos.6574 &amp; 6854/26

-:11:-

*distracting ideas will have an impact in the minds of spectators. In some cases, it will have a complete and immediate influence on, and appeal for everyone who sees it. In view of the scientific improvements in photography and production the present movie is a powerful means of communication. It is said: "as an instrument of education it has unusual power to impart information, to influence specific attitudes towards objects of social value, to affect emotions either in gross or in microscopic proportions, to affect health in a minor degree through sleep disturbance, and to affect profoundly the patterns of conduct of children." (See Reader in Public Opinion and Communication, Second Edition by Bernard Berelson and Morris Janowitz, p. 390.) The authors of this book have demonstrated (at pp. 391 to 401) by scientific tests the potential of the motion pictures in formation of opinion by spectators and also on their attitudes. These tests have also shown that the effect of motion pictures is cumulative. It is proved that even though one movie relating to a social issue may not significantly affect the attitude of an individual or group, continual exposure to films of a similar character will produce a change. It can, therefore, be said that the movie has unique capacity to disturb and arouse feelings. It has as much potential for evil as it has for good. It has an equal potential to instill or cultivate violent or good behaviour. With these qualities and since it caters for mass audience who are generally not selective about what they watch, the movie cannot be equated with other modes of communication. It cannot be allowed to function in a free marketplace just as does the newspapers or magazines. Censorship by prior restraint is, therefore, not only desirable but also*

W.P.(C) Nos.6574 &amp; 6854/26

-:12:-

*necessary.*". (emphasis supplied)

19. Notwithstanding the shortage of time, considering the urgency of the matter, though this Court had offered to view the movie to appreciate the allegations vis-a-vis the actual depiction, the third respondent evaded the same. Of course, this Court cannot substitute its views for that of the regulatory body. However, if the very content in the teaser itself, which is conceded to be part of the movie, has a prima facie potential to distort public perception and disturb communal harmony, which falls squarely within the grounds enumerated under Section 5B(1) namely, "public order", "decency" or "morality" a comprehensive assessment of the film to identify the existence of sensitive thematic content, including its treatment of interfaith dynamics and visual presentation may be necessary.

20. Dissemination of content which has a tendency to create discord, disturb law and order situation and even undermine social harmony cannot come within the ambit of freedom of speech and expression enshrined in Article 19(1)(a) of Constitution of India. Precisely the reason why the Central Government had, in the Guidelines laid down, specified in clause (xii) that "visuals or words contemptuous of racial, religious or other groups are not presented" and further, in clause (xiii) provided that, visuals or words which promote communal, obscurantist, anti national attitude are not

W.P.(C) Nos.6574 &amp; 6854/26

-:13:-

presented, and again in clause (xvii) states that public order is not endangered. Prima facie, these guidelines do not seem to have been borne in mind by CBFC while granting certification, and there is a manifest disregard of the applicable law, necessitating this Court to interfere. It certainly needs to be borne in mind , as observed by the Supreme Court in **Atul Mishra v. Union of India** (W.P.(C) No.181/2026) that it is constitutionally impermissible for anyone, through any medium, to vilify and denigrate any community or target any particular community, on the basis of religion, language, caste or region.

21. The contentions of the petitioners and the fear projected by them must be appreciated in the context of the fact that the present movie is a sequel to the earlier film especially in the light of the observation of the Supreme Court in **Rangarajan's** case (supra) that one movie relating to a social issue may not significantly affect the attitude of an individual or group, but continual exposure to films of a similar character will produce a change. The repeated portrayal of the theme in a second movie almost of the same name and concept, as evident from the admitted scenes in the sequel movie, can have a tendency to create contempt for a religious group in the State and to the State itself, tend to promote communal and even fanatical attitudes and even endanger public order. There can be a possibility

W.P.(C) Nos.6574 & 6854/26

-:14:-

that the State of Kerala, otherwise known for its communal harmony and friendly natives, be identified by viewers across the globe, as a hub of fanatical and communal divide. There is nothing to indicate that the second respondent had considered any of the above factors while certifying the movie for release that too by a UA16+ certification.

22. Though the learned counsel for the second respondent referred to the use of names of States in other movies, which have not been objected to by any person, the same is not a reason to disregard the contentions of the petitioners. Each case has to be viewed in the light of the circumstances arising and the visuals and dialogues and the theme projected in the movie.

23. It is true that courts should be slow to interfere with the release of any movie that too at the eleventh hour. However, when the material available, prima facie indicate a manifest absence of application of mind to the requirement of law by CBFC, and the possibility of communal disharmony or denigration of a community also being prima facie involved in the movie, its release without scrutiny by the higher authorities would be legally improper. Moreover, a revision petition has already been filed by the petitioner in W.P.(C) No.6574/2026 before the first respondent and the same has to be disposed of without rendering that petition infructuous, in the interests of justice, fair play and public order.

W.P.(C) Nos.6574 &amp; 6854/26

-:15:-

24. After the order was delivered but before it was signed, the learned Senior Counsel appearing for the 3<sup>rd</sup> respondent relied upon the order of the Supreme Court in **Mangal Rajendra Kamthe v. Tahsildar, Purandhar & Ors** [2026 INSC 185] stating that once the High Court declines to entertain a writ petition in exercise of its discretionary jurisdiction on the ground that an efficacious alternative remedy for grant of relief is available, the proceedings do not survive and must draw to an end then and there, and in such circumstances it is impermissible to pass an order in the nature of an interim relief either by granting stay of operation of the order under challenge or by directing status quo to be maintained till such time the aggrieved petitioner approaches the alternative forum.

25. However, the circumstances in the present issue and that in **Mangal Rajendra Kamthe** (supra) are different. The issue in the latter decision arose out of a proceeding under Section 23(2) of the Mamlatdar's Court Act, 1906, while the present issue arises under the Cinematograph Act. The direction to consider the revision before the Central Government has been issued on account of the peculiar circumstances in the instant case, and to maintain the balance of interest of both sides without rendering the writ petitions itself infructuous. Further, this Court has not declined to entertain the writ petitions and on the other hand has admitted the writ petitions, but on

W.P.(C) Nos.6574 &amp; 6854/26

-:16:-

account of the peculiar circumstances of the case issued a direction to consider the revision petition. Reference to the decision in **Assets Care and Reconstruction Enterprises Limited v. State of Maharashtra** (2023 LiveLaw (SC) 925) is relevant in this context. In a matter where, movie certification is under challenge, if the interim relief now granted is not issued, every challenge can be defeated. Such a procedure will be contrary to rule of law.

Hence, there will be a direction to the first respondent to consider and pass orders on Ext.P4 revision petition filed by the petitioner in W.P.(C) No.6574/2026, as expeditiously as possible, at any rate, within an outer period of two weeks from today, after granting an opportunity of hearing to the said petitioner, the second respondent and the third respondent. In the meantime, there will be an interim stay of release of the movie titled "The Kerala Story 2 - Goes Beyond" and the second and third respondents are directed to ensure that the said movie is not released for public viewership for a period of fifteen days from today.

Post on 12-03-2026.

Sd/-

**BECHU KURIAN THOMAS  
JUDGE**

vps

**APPENDIX OF WP(C) 6854/2026**

- Exhibit P1(c) TRUE COPY OF SCREENSHOT 1 FROM THE TRAILER OF THE IMPUGNED FILM**
- Exhibit P1(d) TRUE COPY OF SCREENSHOT 2 FROM THE TRAILER OF THE IMPUGNED FILM**
- Exhibit P1(e) TRUE COPY OF SCREENSHOT 3 FROM THE TRAILER OF THE IMPUGNED FILM**
- Exhibit P3 TRUE COPY OF SCREENSHOT OF TELEGRAPH ONLINE EDITION DATED 06/05/2023**
- Exhibit P4 THE TRUE COPY OF THE LINK OF THE 3RD RESPONDENT'S SPEECH IN YOUTUBE, ALONG WITH THE ENGLISH TRANSCRIPT OF THE SAME**

