



(279) CRM-M-39247 of 2025

Rajkumar Yadav @ Raj Kumar Yadav @ Rajkummar Rao
Vs.
State of Punjab and another

Present:- Mr. Puneet Bali, Senior Advocate with
Mr. Tejeshwar Singh, Advocate for the petitioner.

Mr. G.S. Dhaliwal, AAG, Punjab and
Mr. Rahul Jindal, AAG, Punjab.

Status report by way of an affidavit of Ms. Dhanpreet Kaur, IPS, Commissioner of Police, Jalandhar filed on behalf of respondent No.1 in the Registry is taken on record.

Notice issued to respondent No.2 has not been received back. Fresh notice be issued to him for 10.12.2025.

Meanwhile, SHO PS Division No.5, District Police Commissionerate – shall also inform respondent No.2 in writing regarding the next date of hearing.

The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [erstwhile Section 482 of Cr.P.C, 1973] for quashing of FIR No.74 dated 19.04.2017 registered under Section 295-A IPC, 120-B IPC and Section 67 IT Act at Police Station Division No.5, Police Commissionerate, Jalandhar, Punjab, Final Report, Challan dated 31.01.2022, order dated 04.07.2025 passed by Judicial Magistrate First Class-10, Jalandhar whereby non-bailable warrants have been issued against the petitioner as well as all consequential proceedings arising therefrom.

Learned counsel for the petitioner argued that false allegations have been levelled in the FIR lodged by complainant, namely, Ishant Sharma alleging that accused Nos.1 and 2 namely – Amul Vikas Mohan and Ajay K. Pannlalla are

going to release the movie, namely, “Behan Hogi Teri”, in which accused No.3 – Raj Kumar Rao – petitioner is an actor and he is playing the role of Lord Shiva in a cartoonist manner which is objectionable and disrespectful to Lord Shiva and will hurt the religious sentiments of followers of Hindu Religion, particularly followers of Lord Shiva. Learned counsel contended that no offence under Section 295A IPC is made out from the allegations levelled in the FIR. The Central Board of Film Certification (CBFC) which is a statutory body constituted under Cinematograph Act, 1952 has duly reviewed and certified the film in question for public exhibition after scrutiny of films’ contents including scenes in which petitioner is depicted, dressed as Lord Shiva or is seen driving/ seated on a motor-cycle. CBFC being the Central Nodal Agency under the law is specifically mandated to examine whether any content in a film is offensive, derogatory, obscene or likely to incite communal disharmony or offend religious sentiments and only thereafter the certificate for releasing the film is issued. Learned counsel next contended that portrayal/ image in question must be critically examined within the ambit of artistic expression and creating freedom, rather than viewed as an act with intent to insult religious beliefs and the depiction falls squarely within the protected domain of artistic expression under Article 19(1)(a) of the Constitution and criminal prosecution cannot be sustained on the basis of a reaction of an individual or a group of individuals when the responsible statutory authority, after thorough examination has not found any objectionable or offensive content warranting deletion or prohibition. Learned counsel further contended that the registration of FIR and subsequent filing of the final report against the petitioner is an abuse of the process of law and the same are liable to be quashed.

In support of his contention, learned counsel has cited judgments, **1957 AIR SC 620 – Ramji Lal Modi Vs. State of U.P., 2017(7) SCC 760 – Mahendra Singh Dhoni Vs. Yerraguntla Shyamsundar**, judgment dated 30.10.2014 passed by Punjab and Haryana High Court in **CRM-M-37869 of 2013 titled Sanjay Leela Bhansali and others Vs. State of Punjab and another.**

On the other hand, learned State Counsel argued that provisions of Section 295 A, 120-B IPC and Section 67 of IT Act are attracted from the allegations levelled in the FIR. No doubt, the film makers and performers have got a fundamental right under Article 19(1)(a) of the Constitution which ensures freedom of expression to them but the said freedom is subject to censorship and certain restrictions which they are required to follow so that religious sentiments of the public are not hurt. By portraying Lord Shiva in a cartoonist manner, the religious sentiments of a vast population of Hindus have been hurt and petition deserves to be rejected.

Adjourned to 10.12.2025.

Meanwhile, further proceedings before the trial Court shall remain stayed qua the petitioner.

(Yashvir Singh Rathor)
Judge

August 28, 2025
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