

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2170 OF 2008

Endemol India Pvt. Ltd. and ors.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. Ravi Suryawanshi along with Ms. Mansi Nair i/b. Naik Naik and Co.,
advocates for the petitioners.
Mr. A. R. Kapadnis, APP for the State.

CORAM : RANJIT MORE &
SMT.SADHANA JADHAV, JJ.

DATE : 21st SEPTEMBER, 2017.

P. C. :

By an order dated 2nd July, 2009, this petition was admitted and by way of interim relief, it was directed not to take any coercive steps against the petitioners. However, it was directed to proceed with the investigation. Despite two opportunities, the learned APP is not in a position to place on record the stage of investigation for want of instructions, therefore, we are constrained to proceed and dispose off this petition on merits.

2. Heard Mr. Ravi Suryawanshi, learned counsel for the petitioners and Mr. A. R. Kapadnis, learned APP for the State.

3. The petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, to quash and set-aside the complaint dated 4th October, 2008 and FIR No.34

of 2008 registered in pursuance of the said complaint by the Andheri Police Station at the instance of the respondent No.3. The complaint in pursuance of which the subject FIR is registered is annexed at "Exhibit A", which is produced herein below :

"To,
Sr. Inspector of Police
Andheri Police Station,
Andheri (E) Mumbai.

Dated, 4 October 2008

Sir,

RE : Complaint against producer director, Channel, participants of BIGG Boss, A.T.V. Serial on the Color T.V. Showing indecent and vulgarity on the television channel.

I Sunil K Ahire, President of Mumbai Pradesh Youth Congress having his area office at C/O 601, Sai Charan I-C Sai Wadi Telli Gulli Andheri East Mumbai - 69 states that for about three weeks I had been watching the color channel where I found indecency and vulgarity acted and represented by the participants of the Bigg Boss on the Color Channel which is spreading indecency and vulgarity and also propagating the indecent representation of women. I say that I have been receiving the complaints also from the public at large and workers of our party.

The said vulgarity as shown and exhibited and spread on the channel are vitiating the youth mind. Due to the vulgar and indecent representation, the same is causing harassments in the family members of the party workers and public at large.

In view of above kindly, lodge a complaint/FIR of vulgarity and indecency and indecent representation of women on the T.V.Channel against the Color T.V.Channel, the directors of Color Channel, producer of the program "Bigg Boss", participants of Bigg Boss and others who are responsible for exhibition and production such indecency and vulgarity under section 292, 294 of IPC, under Indecent Representation of Women Act, also under the Cable T.V.Regulation Acts etc.

Yours faithfully,
sd/-
(Sunil K. Ahire)"

In short, the respondent No.3 has alleged indecency and vulgarity by the Color TV Channel, Director of the Colour TV Channel, producers and participants of the Reality Show "Big Boss". The

respondent No.3 has alleged of offences punishable under Sections 292 and 294 of the Indian Penal Code, 1860 and Indecent Representation of Women Act.

4. Perusal of the complaint, makes it abundantly clear that the respondent No.3 has not given the dates on which the reality show “Big Boss” was aired and viewed by him. The respondent No.3 has also not given particulars in respect of the indecency and vulgarity alleged by him. Also the names and particulars of the participants who exhibited vulgarity are not given. The respondent No.3 has also not mentioned the names of the persons from whom he has received the complaints. The respondent No.3 has made ominous/general allegations. On the basis of these allegations, in our considered view, continuation of investigation into such FIR would be futile and also it would be abuse of process of law. In the above circumstances, we allow the petition in terms of prayer clause (a). Consequently, the complaint dated 4th October, 2008 and FIR No.34 of 2008 registered with Andheri Police Station against the petitioners is quashed and set-aside.

5. The writ petition stands disposed off.

[SMT. SADHANA JADHAV, J.]

[RANJIT MORE, J.]