

DALAM MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR
DALAM NEGERI WILAYAH PERSEKUTUAN
KUALA LUMPUR, MALAYSIA
(BAHAGIAN KUASA-KUASA KHAS)
SAMAN PEMULA NO: WA-24-84-09/2024

Dalam Perkara Mengenai Perkara 4,
8, 11 dan 12 Perlembagaan
Persekutuan

Dan

Dalam Perkara Seksyen 50, 51, 52
dan 53 Akta Relif Spesifik 1950

Dan

Dalam Perkara Mengenai Seksyen
25(2) dan Perenggan 1 Dalam
Jadual kepada Akta Mahkamah
Kehakiman 1964

Dan

Dalam Perkara mengenai Aturan 7,
29 dan 92 Kaedah 4 Kaedah-Kaedah
Mahkamah 2012

Antara

1. Karnan a/l Rajanthiran
(No.K/P: 811018-01-5139)
2. Suresh a/l Bala Krishnan
(No. K/P: 881128-08-7057)
3. Dactneswaran a/l Kandasamy
(No. K/P:88813-07-5201)



4. Thanasegaran a/l Alaimohan
(No.K/P: 871001-38-5015)

5. Rajasegaran a/l Marimuthu
(No. K/P:761119-08-5387)

6. Rajenthiran A. Subramaniam
(No.K/P:740918-10-5759)

7. Dayalan a/l Sreebalan
(No.K/P:801022-14-6001)

8. Elango a/l Rasamuniandy
(No. K/P:720826-08-5473)

... Plaintiff-Plaintif

Dan

Firdaus Wong Wai Hung
(No. K/P: 830118-14-5479)

... Defendan

JUDGMENT

THE APPLICATION

[1] On 3 December 2024, this Court granted the plaintiffs an interim mandatory injunction sought pursuant to an inter partes application in the following terms:



S/N R3G1AhfPiUGBQ5yLwCi7w

**Note : Serial number will be used to verify the originality of this document via eFILING portal

“Defendan adalah diarahkan dengan serta-merta untuk memadamkan video yang bertajuk “Saya takut mati luar Islam” yang dimuat naik daripada akaun TikTok di bawah nama @brofirdauswong (<https://vt.tiktok.com/ZSYrfNxDg>) daripada akaun TikTok Defendan dan/atau di mana-mana akaun media sosial milik Defendan yang lain.”

[2] This judgment contains the reasons for my decision.

BACKGROUND FACTS

[3] The plaintiffs are parents of underage non-Muslim children who are currently studying and/or about to study in national schools and/or vernacular schools in Malaysia. The defendant is someone who claims to be and/or is known as an Islamic preacher in Malaysia.

[4] Sometime in June of 2024, the plaintiffs were made aware of a video that was uploaded from a TikTok account named of @brofirdauswong (<https://vt.tiktok.com/ZFYrfNxDg>).



The said video was circulated *via* WhatsApp. A transcript of the video can be seen at Exhibit RK-1, Enclosure 4.

[5] In the said video, the defendant had answered a question posed to him by a teacher/ustaz. The said teacher/ustaz had requested for the defendant's suggestions in relation to underage non-Muslim schoolchildren who are purportedly "interested" in entering Islam. The said teacher/ustaz had stated that underage non-Muslim schoolchildren had purportedly said that they "takut mati luar Islam".

[6] The video shows that the defendant responding openly and clearly with the following statements:

- (a) The defendant is used to receiving questions on converting underage non-Muslim children to Islam; and
- (b) The defendant is used to giving advice in relation to such questions.



[7] The video then shows the defendant giving the following advice in relation to converting underage non-Muslim children to Islam:

- (a) The defendant had advised for the underage non-Muslim children to be converted to Islam in secret (see paragraph 10, Enclosure 4):

“Jadi, kalau biasa yang kes itu macam tu saya pun ada biasa terima dan nasihat yang selalu berikan kalau ada budak yang bawah 18 tahun yang nak memeluk Islam, Islamkan, syahadahkan, jangan ambil gambar, jangan ambil video, tak payah nak daftarkan.”

- (b) The defendant had advised for the underage non-Muslim children to be converted to Islam without registering the said conversion as it is against the laws of Malaysia (see paragraph 11, Enclosure 4):

“So, kalau ada student Tingkatan 3, Tingkatan 4, Tingkatan 5 bawah 18 tahun dan kita kena fikir dari sudut undang-undang Malaysia kalau dikira bawah



umur itu adalah contoh dia lahir 2hb Jun, ok, 2hb Jun? Kita kata 2006. 2006, 2hb Jun. Kalau hari ini dia masuk Islam, genap ke belum? Tak genap lagi sebab hari ini 1hb Jun. So, dari sudut undang-undang, kalau dibawa ke Mahkamah, apa yang akan berlaku adalah dia akan kalah. So, tetap tak boleh. Dia kena on the dot. So, kalau budak-budak itu nak masuk Islam, saya akan sarankan Ustaz, cikgu-cikgu di sekolah itu syahadahkan saja, ajarkan dia tentang Islam.”

- (c) The defendant had advised to hide the conversion of the underage non-Muslim children from their parents and/or families by praying in secret (see paragraph 12, Enclosure 4):

“So soalan seterusnya daripada pelajar, so soalan seterusnya daripada pelajar adalah macam mana dengan solat saya? Solat dengan ikut kemampuan dia. Mengikut kemampuan dia. Saya bagi contoh. Kalau dia duduk bilik sorang-sorang, ok, dia rasa dia tak boleh solat Zohor dengan Asar ikut waktu dia, kami akan sarankan jamak aje. Jamak Zohor dengan



Asar sekali, Maghrib dengan Isyak jamak sekali, kalau takut tak boleh, ok? Lock pintu. Dan kalau dia kata, "Tapi tak boleh, bro." Benda ini kami dah biasa handle. "I ada kakak I, ada abang I dalam bilik. Macam mana I nak solat? Tak ada tempat." Kalau boleh sebelum balik ke rumah, waktu petang, selepas Zohor, dekat luar tu cuba jamakkan Zohor dengan Asar dulu, Maghrib dengan Isyak kalau kat rumah, solat ikut pergerakan dalam selimut. Kita akan ajarkan mereka macam mana pergerakan dalam selimut. Yang penting, buat. Sedangkan dia dalam, sehinggakan dalam Mazhab Maliki disebut boleh juga, walaupun kita kata umum, bilik air itu kita tak boleh solat tapi dalam Mazhab Maliki, jikalau dalam keadaan tertentu seperti mualaf, dia tak tahu keselamatan dia, nyawa dia terancam, dalam toilet sekali pun boleh solat."

[8] After being made aware of the said video that is being circulated, the plaintiffs had lodged police reports on 22.06.2024, 24.06.2024, and 18.07.2024, respectively. The said police reports can be seen at Exhibit 11.



[9] As of 18 July 2024, the date of filing this action, the said video could still be accessed *via* the defendant's TikTok account as well as the defendant's other social media accounts. As of 18 July 2024, the said video had at least 165,000 views, 3585 comments, 3546 likes, and 1139 shares. As of 2 October 2024, the video can still be accessed on the defendant's TikTok account as well as the defendant's other social media accounts and has accumulated at least 190,800 views, 3,978 likes, 3,795 comments, 677 saves, and 1,187 shares.

[10] In the comments section of the defendant's video, an Indian woman had uploaded a comment in which she expressed her fear of sending her children to school. The defendant himself had responded to the said comment on 4 June 2024 with a comment that stated:

"We are everywhere. Beware."

[11] After watching the entirety of the Defendant's video, the daughter of the 6th plaintiff had asked him if underaged children could enter Islam without the consent and/or knowledge



of their parents. The 6th plaintiff was further informed by his children that the defendant's video had been watched and discussed by her friends at her school (see paragraphs 6 and 7, Enclosure 6). The 6th plaintiff informed his daughter that it is his responsibility and right as a parent to decide on his children's religion (see paragraph 13, Enclosure 6).

[12] The defendant's said video had received strong criticisms from several Non-Governmental Organisations (NGOs), including Sisters in Islam, Harapan Daily, Majlis Perundangan Agama Buddha, Kristian, Hindu, Sikh dan Taoisme Malaysia, and Global Human Rights Federation (GHRF) (see also Exhibit RK-4, Enclosure 4 for the media statements).

MANDATORY INTERIM INJUNCTION

[13] An interim mandatory injunction is a very exceptional form of relief and are issued only in appropriate cases. It is granted by a court of equity. The principle for the granting of an interim or interlocutory mandatory injunction is well established. Such a type of injunction is never granted before trial, save in



exceptional and extremely rare cases (**Gibb & Co v Malaysia Building Society Bhd** [1982] 1 MLJ 271).

[14] The case for granting a mandatory interim injunction must be unusually strong and clear, where the court must feel a high degree of assurance that at the trial, a similar injunction would probably be granted. It must be kept in mind that questions of degree are involved, which depend, *inter alia*, upon considerations of hardship to the parties. The court must consider how the interests of the parties may best be protected, bearing in mind both the position of the parties subsequently at the final hearing and also questions of hardship and inconvenience in the meantime, and will take into account any other relevant discretionary considerations which may arise. One of the most important circumstances which will be taken into account by the court is the degree of probability with which it appears to be established that the applicant will ultimately succeed at the final hearing. The stronger the case of the applicant that the matters complained of are unlawful, the more likely it is that it will be found to be just and equitable that his interests be protected by the immediate issue of such an injunction.



(see **Tinta Press Sdn Bhd v Bank Islam Malaysia Bhd** [1987] CLJ Rep 396; **Karuppannan v Balakrishnan (Chong Lee Chin & Ors, third parties)** [1994] 4 CLJ 479; **Timbermaster Timber Complex (Sabah) Sdn Bhd v Top Origin Sdn Sdn Bhd** [2002] 1 CLJ 566).

DECISION OF THE COURT

[15] The plaintiffs applied for a mandatory interim injunction based on the above facts to bring down the video titled "*Saya takut mati luar Islam,*" which was uploaded from the TikTok account under the name of @brofirdauswong (<https://vt.tiktok.com/ZSYrfNxDg>) and any other social media account of the defendant.

[16] The undisputed facts are as follows:

- (a) the video in question was in fact made, uploaded, and circulated by the defendant;



(b) the person giving advice in the said video is the defendant; and

(c) The transcript of the video in question is accurate, and the defendant has not disputed the accuracy of the said transcript.

[17] The video speaks for itself. The defendant make abundantly clear that he has given advise to convert underaged non-Muslim children without their parents' knowledge and, more importantly, how to hide the conversion from their families.

[18] What the defendant did in the video is a breach of Article 12(4) of the Federal Constitution, which provides that the religion of a person under the age of eighteen years shall be decided by his parent or guardian. The video further shows that the defendant is aware of this fact, i.e., that the religion of a person under the age of eighteen years shall be decided by his parent or guardian, and he advises how to hide the conversion from the parents and family members. The defendant knows that his advice is in breach of the Federal Constitution.



[19] I am satisfied that there is a serious bona fide issue to be tried, i.e., whether the advice is in breach of the right entrenched in Article 12(4) of the Federal Constitution.

[20] The balance of convenience in the present case lies in favour of the plaintiffs. If the mandatory interim injunction is not granted, the plaintiffs would suffer a risk of irreparable damage if any of their children are converted to Islam without their knowledge and/or consent. By contrast, the defendant's rights over the said video are merely postponed after the disposal of the instant originating summons. The injury to the plaintiffs is higher than if the video is taken down.

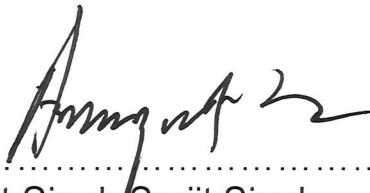
[21] The justice in the present case lies with the plaintiffs. An award of money may provide no adequate compensation if the plaintiff's children are converted without their knowledge. Further, the issue of conversion is a serious matter in our country.

[22] I am satisfied that the case for granting the interim mandatory injunction sought is unusually strong and clear. This Court feels a high degree of assurance that at the trial, a similar



injunction would probably be granted. Having considered and weighed the hardship and damage on both sides, I am satisfied that the interest of the parties is best protected by the granting of the mandatory interim injunction. The case for the plaintiff is so strong on the undisputed facts, in particular, that the defendant knows his advice is violating Article 12(4) of the Federal Constitution. it is just and equitable for the immediate issue of the mandatory interim injunction.

[23] For the above reasons, I granted the mandatory interim injunction sought by the plaintiffs.



.....
Amarjeet Singh Serjit Singh
Judge
High Court Kuala Lumpur

Dated: 3 March 2025

Counsel of the Plaintiffs

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Messrs Syahidah Sharul & Marsyara

Cases referred to:

- 1) **Gibb & Co v Malaysia Building Society Bhd [1982] 1 MLJ 271.**
- 2) **Tinta Press Sdn Bhd v Bank Islam Malaysia Bhd [1987] CLJ Rep 396.**
- 3) **Karuppannan v Balakrishnan (Chong Lee Chin & Ors, third parties) [1994] 4 CLJ 479.**
- 4) **Timbermaster Timber Complex (Sabah) Sdn Bhd v Top Origin Sdn Sdn Bhd [2002] 1 CLJ 566.**

