



IN THE HIGH Court OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

MONDAY, THE 9TH DAY OF MARCH 2026 / 18TH PHALGUNA, 1947

CRL.MC NO. 3711 OF 2019

AGAINST CRL.M.P NO.1513/2017 IN CC NO.825 OF 2018 OF
JUDICIAL MAGISTRATE OF FIRST CLASS-V, THIRUVANANTHAPURAM

PETITIONERS: ACCUSED 2 TO 4:

- 1 VELLINAKSHATHRAM, KALAKAUMUDI LANE, MURINJAPALA,
THIRUVANANTHAPURAM-695 033,
REPRESENTED BY ITS EDITOR-IN-CHIEF.
- 2 SUKUMARAN MANI, AGED 49 YEARS
S/O M.S MANI, EDITOR-IN-CHIEF, VELLINAKSHATHRAM,
KALAKAUMUDI LANE, MURINJAPALAM,
THIRUVANANTHAPURAM-695 033.
- 3 PRASAD LAKSHMANAN, AGED 60 YEARS
S/O LAKSHMANAN, EDITOR, VELLINAKSHATHRAM,
KALAKAUMUDI LANE, MURINJAPALAM,
THIRUVANANTHAPURAM-695 033.

BY ADVS.
SRI.THOUFEEK AHAMED
SRI.P.A.AHAMMED

RESPONDENTS/STATE & RESPONDENTS/STATE:

- 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH Court OF
KERALA, ERNAKULAM-682 031.
- 2 MAHESH.P.NAIR, S/O LATE P.K.PADMANABHAN NAIR,
TC 10/1108,STEP JUNCTION, NALANCHIRA
P.O.THIRUVANANTHAPURAM-695 015.



3 BAIJU KOTTARAKKARA,
 NEST, CHIRAKKAKAM, VARAPPUZHA, KOCHI-683517

BY ADVS.
SRI.R.BINDU (SASTHAMANGALAM)
SHRI.B.MOHANLAL
SRI.R.JAYAKRISHNAN
SRI.PRASANTH M.P
SRI SUDHEER.G, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
03.03.2026, THE COURT ON 09.03.2026 PASSED THE FOLLOWING:

**ORDER**

Accused Nos.2 to 4 in C.C No.825/2018 on the files of the Judicial First Class Magistrate Court-V, Thiruvananthapuram, have filed this petition under Section 482 Cr.P.C, to quash the proceedings against them in the aforesaid case. The offence alleged is under Section 500 I.P.C. The learned Magistrate initiated the proceedings upon a complaint filed by the second respondent.

2. The gist of the complaint filed by the second respondent against the petitioners herein and the third respondent, is as follows:

The complainant has been involved in the film and television sector for the last three decades, as an actor and director. He has got good reputation among the general public. The first accused (third respondent herein) is also involved in the film field. The second accused is a publication related to the film sector. The third accused is the Editor-in-Chief of a website maintained by the second accused publication. The 4th accused is the Editor of that website. In connection with the arrest of a prominent film actor for his involvement in the rape of an actress, there was difference of opinion between the complainant



and the first accused. While the complainant supported the above actor, the first accused strongly criticised that actor. Due to the above rift, the first accused posted highly derogatory statements against the complainant in a facebook collective by name 'People TV Debate Forum', where the complainant was also a member. The above highly defamatory statements made by the first accused in that facebook group, were redisplayed by accused Nos.2 to 4 in their website. Many of the friends and well wishers of the complainant had the occasion to watch the above defamatory statements published in the website of accused Nos.2 to 4, as a result of which, those persons happened to think that the complainant is a person of deplorable character, who supported a rapist for personal gains. They had called the complainant and asked him why he had stooped to such a low level by supporting a rapist. Thus, the publication made by accused Nos.2 to 4 in their website contained the imputation harming the reputation of the complainant.

3. The learned Magistrate took the complaint to files, recorded the statement of the complainant under Section 200 Cr.P.C, and issued



summons to the accused to appear and face trial for the commission of offence under Section 500 I.P.C.

4. In the present petition, the petitioners would contend that the offence of defamation is not attracted, in the facts and circumstances of the case, and hence the proceedings against them are liable to be quashed.

5. Though the third respondent (1st accused) appeared through counsel, no arguments were advanced from his part.

6. Heard the learned counsel for the petitioners, the learned counsel for the second respondent, and the learned Public Prosecutor representing the State of Kerala.

7. The petitioners seek to quash the proceedings against them for two reasons. Firstly, it is contended that their mere act of redisplaying a post, which the third respondent made in another social media platform, will not attract the offence under Section 500 I.P.C, since the imputation contained in that matter had already reached the viewer public through that social media platform. Secondly, it is argued that the contents of the aforesaid matter, which the petitioners redisplayed in their website, cannot be termed as defamatory to the



complainant. It is for the above reasons, that the petitioners seek the involvement of this Court in exercise of the powers under Section 482 Cr.P.C, to terminate the prosecution proceedings against them.

8. The first contention of the petitioners that the redisplaying in the website of the second petitioner, an objectionable publication which had already been made in another social media platform, will not constitute the offence under Section 500 I.P.C, cannot be accepted since Section 499 I.P.C does not make any distinction between a defamatory publication, which is made for the first time, and the redisplay of a defamatory publication, which had already been made in another media. If it is shown that the derogatory words about the complainant, which were published by the accused, contained any imputation, which would harm the reputation of the complainant, then the fact that the words so published were already there in the public domain, do not absolve the criminal liability of the accused, who ventured to publish those derogatory words again by redisplaying the publication already made through another media. Unless the act of the accused would come under any of the seven exceptions envisaged under Section 499 I.P.C, the accused cannot be absolved of the criminal



liability for the publication of the derogatory words for the reason that those words were already published by some other accused through another platform.

9. The learned counsel for the petitioners relied on the decisions rendered by this Court in **Malayalam Communications Limited v. K.C.Venugopal [2024 KHC 1545]** and **Mammen Mathew v. K.Bhaskaran Master [2025 KHC OnLine 10645]** and certain decisions of other High Courts, in support of the argument advanced in the above regard. In **Malayalam Communications Limited** (supra), the issue related to the publication of statements made by the accused in a press conference, which were telecasted by certain visual media. The facts of the aforesaid case are totally different from the facts of the case on hand. So also, the dictum laid down in the aforesaid case is not precisely related to the point argued by the petitioners. Likewise, the dictum laid down by this Court in **Mammen Mathew** (supra) was that mere reporting of particulars of a complaint, by a newspaper, does not amount to imputing its truth or intending to harm the reputation of the person concerned, and thus, does not constitute defamation. The other decisions of various High



Courts, which the learned counsel for the petitioners has cited, are also not relevant to the facts and circumstances of this case. Therefore, the first contention raised by the petitioners against the maintainability of the criminal prosecution against them, cannot be accepted.

10. As regards the second contention, it has to be stated that a perusal of the words attributed to the complainant/second respondent, would prima facie show that those words were of such a nature as to lower the moral and intellectual character of the complainant in the estimation of others. By the above words, an imputation is made that the complainant used to beg and receive chances in film from the actor who had been accused of rape of an actress, and that he was a cheap fourth rate person of perverted mind. It is further stated that the complainant shall wash the faeces of that actor. Another imputation made in the words so published in the website of the petitioners is that the complainant had stolen the credit card of a customer while he was working at a gas station at Chicago in America. The aforesaid words further exhort the complainant not to call all persons to whom he begged as his father, and that he should confine himself to a single father. It is also stated thereunder that the complainant was of the



habit of holding the buttocks of rapist hooligans, and he shall better go and do ".....". It is not possible to say that the aforesaid words used against the complainant, were not defamatory. The petitioners, by quoting the above words used by the first accused, in their website, have committed the act of publishing those words of highly defamatory contents, capable of harming the reputation of the complainant. The sworn statement of the complainant would reveal that many of his friends and well wishers got a negative impression about the character of the complainant by reading the above derogatory words published in the website of the petitioners. Therefore, it is apparent that the matter which the petitioners published in their website, was highly defamatory to the complainant.

11. The learned counsel for the petitioners has cited the decision rendered by the Hon'ble Supreme Court in **Jaideep Bose v. M/s.Bid and Hammer Auctioneers Pvt.Ltd. [2025 KHC OnLine 6162 (SC)]**, and argued that all Editorial Directors are not automatically presumed liable for defamation, unless there is a specific allegation detailing their direct involvement in publishing the defamatory material. The aforesaid dictum has been laid down by the



Hon'ble Apex Court in the context of Sections 5 and 7 of the Registration of Books Act, 1867. The dictum laid down by the Hon'ble Supreme Court in the aforesaid case is not having any applicability in the present case, since there are specific allegations levelled by the complainant against the petitioners herein about their act of publishing the derogatory words of the first accused in their website to defame the complainant. According to the complainant, the petitioners herein were influenced by the first accused, and they published the derogatory words without good faith, to denigrate him. Having regard to the above nature of the complaint preferred by the complainant, the petitioners cannot be heard to say that the offence under Section 500 I.P.C, is not brought out from the facts and circumstances of the case. Therefore, the prayer of the petitioners to quash the complaint, cannot be allowed.

In the result, the petition is hereby dismissed.

(sd/-)

G. GIRISH, JUDGE



APPENDIX OF CRL.MC NO. 3711 OF 2019

PETITIONER ANNEXURES

- ANNEXURE A TRUE COPY OF THE PETITION NO CRL.MP 1513/2017 OF THE JUDICIAL FIRST CLASS Magistrate Court-V TRIVANDRUM FILED BY 2ND RESPONDENT DATED 15.12.2017
- ANNEXURE B TRUE COPY OF THE WEB PAGE OF MARUNADAN MALAYALI DATED 24.10.2017
- ANNEXURE C TRUE COPY OF NEWS ITEM REPORTED IN METROMATINEE COM DATED 24.10.2017
- ANNEXURE D TRUE COPY OF NEW ITEM IN WWW.RASHTRADEEPIKA.COM DATED 24.10.2017