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IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>RESERVED ON</i>	10.11.2025
<i>PRONOUNCED ON</i>	07.01.2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

O.A. No.948 of 2025 & A. No.4798 of 2025

in

C.S. (Comm. Div.) No.250 of 2025

T.Rangaraj

.. Applicant

Vs.

1.Ms.Joy Crizildaa

2.John Doe/s

.. Respondents

Prayer in O.A. No.948 of 2025 & A. No.4798 of 2025: Application filed for an order of interim injunction restraining the 1st respondent/1st defendant, her men, agents, representatives or any persons claiming under or through her, from in any manner making, writing, uploading, printing, publishing, broadcasting, distributing, posting, circulating, or disseminating in any form of media, whether print, electronic, digital, internet, social media platforms or otherwise, any false, malicious or defamatory material, statements, videos, reels, captions, photographs, audio-visual content of communications disparaging the applicant's/plaintiff's personality rights, which directly or indirectly defame his character, personal life, professional standing or reputation in the hospitality industry, entertainment sector or the public domain, thereby causing him irreparable commercial loss and goodwill and reputation.



Prayer in A. No.4798 of 2025: To issue direction to the 1st Respondent/1st Defendant to remove/delete the false, defamatory instagram post made in her instagram profile published on 26.07.2025, 27.07.2025, 30.07.2025, 19.08.2025, 31.08.2025 and remove/delete any other material or statements aforesaid including tagging the name of the Applicant/Plaintiff in all online media including but not limited to X (Twitter), Facebook, Telegram, Instagram, pending disposal of the above Suit.

For Applicant : Mr.Srinath Sridevan, Senior Counsel
for Mr.Vijayan Subramanian

For Respondent : Mr.S.Prabhakaran, Senior Counsel
for Ms.R.Sudha (for R1)

COMMON ORDER

It is relevant to quote the sacred couplet No.144 of Thiruvalluvar:

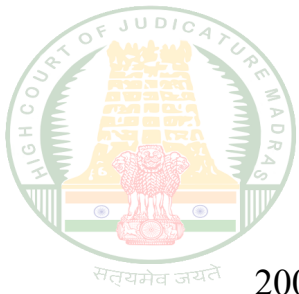
எனைத்துணையர் ஆயினும் என்னாம் தினைத்துணையும்

தேரான் பிறனில் புகல்.

விளக்கம் - தினையளவும் ஆராய்ந்து பார்க்காமல் பிறனுடைய

மனைவியிடம் செல்லுதல், எவ்வளவு , பெருமையை

உடையவராயினும் என்னவாக முடியும் ?



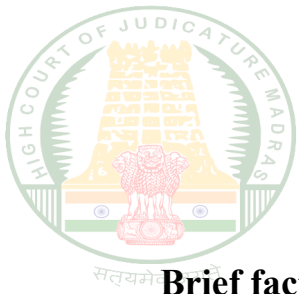
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2000 years ago, the famous saint Thiruvalluvar had stated in a sacred couplet about the extra marital relationship of a man beyond the marriage life with his wife and its consequences.

2.The applicant/plaintiff has filed the above suit for the following reliefs:

a) Permanent injunction restraining the 1st defendant, her men, agents, representatives or any persons claiming under or through her, from in any manner making, writing, uploading, printing, publishing, broadcasting, distributing, posting, circulating, or disseminating in any form of media, whether print, electronic, digital, internet, social media platforms or otherwise, any false, malicious or defamatory material, statements, videos, reels, captions, photographs, audio-visual content of communications disparaging the applicant's/plaintiff's personality rights, which directly or indirectly defame his character, personal life, professional standing or reputation in the hospitality industry, entertainment sector or the public domain, thereby causing him irreparable commercial loss and goodwill and reputation;

b) A mandatory injunction directing the 1st defendant to remove/delete the false, defamatory instagram post made in her Instagram profile published on 26.07.2025, 27.07.2025, 30.07.2025, 19.08.2025, 31.08.2025 and remove/delete any other material or statements aforesaid including tagging the name of the plaintiff in all online media including but not limited to X(twitter), Facebook, Telegram, Instagram.

**Brief facts of the case of the Applicant is as follows:**

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3. The applicant/plaintiff is one of the directors in Madhampatty Thangavelu Hospitality Private Limited, which was incorporated on 30.08.2010, which deals with catering, and food services since 2010 under the brand name "MADHAMPATTY PAKASHALA" with sheer commitment towards their business, the company where the plaintiff was one of the directors, had grown to a greater extent and the plaintiff had taken part in business accomplishments. He has also ventured into the field of cinema and television. He had featured in a movie called Mehendi Circus in the year 2019 and thereafter another movie titled as Penguin and few other movies. He was also taking part in a popular TV reality show "Cooku with Comali" Season 5 (2024) where his culinary expertise won him appreciation in the said show.

4. These ventures have reinforced the standing of the applicant as not only a successful businessman but also a well-recognized public personality. The applicant's success story was featured in Vijay Television's Mudhal Vanakkam show as "Madhampatty Rangaraj's Secret of Success" on May, 2024. The applicant has received several awards and they were also conferred with Asia's

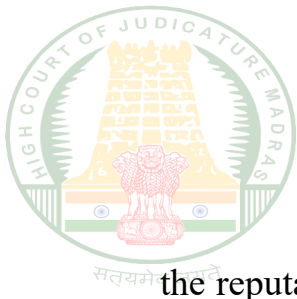


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Most Admired Hospitality Professional Award and had gathered huge reputation and goodwill across the country.

5. According to the applicant/plaintiff, the first respondent/first defendant had approached him as a professional costume designer during December, 2023, projecting that she was capable of assisting him with his costume designing requirements. The plaintiff had reposed trust in her and extended friendship in good faith without knowing the 1st defendant's ulterior motives. As days rolled on, the professional association extended as a good friendship and thereafter, Joy Crizilda, the 1st defendant herein deceitfully induced the plaintiff into a relationship of confidence. When this deceitful relationship continued, suddenly, the plaintiff, to his shock and surprise came to know in the month of July, 2025 that the 1st defendant had posted certain defamatory posts, videos and photos as against the plaintiff which had caused irreparable injury to the personal reputation of the applicant.

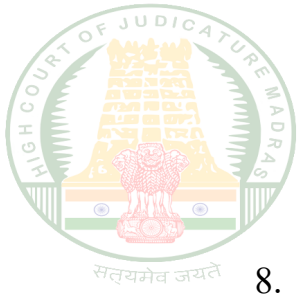
6. This act of the 1st defendant was done with an intention to propagate an allegation that there is a marital relationship between the plaintiff and the 1st defendant. Such a statement which was aired in the social media had tarnished



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the reputation of the plaintiff in the eyes of the common man which also caused a considerable damage in the plaintiff's catering business. Joy Crizilda had continued posting such photographs, videos, audio messages across the social media platforms which had caused irreparable injury and a huge dent in his personal reputation among the general public. Such statements are not only defamatory, but are a calculated damage on the reputation and the goodwill which was built meticulously by the plaintiff.

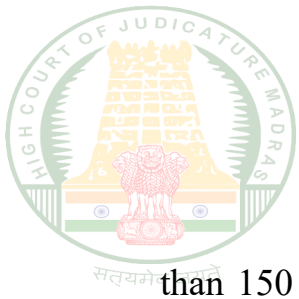
7. According to the plaintiff, Joy Crizilda does not have any right to malign, defame and disparage the plaintiff. Such scandalous allegations without any basis has created a sense of suspicion in the minds of the common public about the plaintiff's reputation and they started ridiculing him which caused serious repercussions to not only his reputation but also his commercial activities. The 1st defendant started giving interviews to various media on 29.08.2025 making false, frivolous, scandalous allegations against the plaintiff and the said interviews were highly circulated in the social platforms, namely YouTube, X (formerly Twitter), Instagram and other social media channels which have become so viral and triggered defamatory discussions and comments as against the plaintiff at the instance of the 1st defendant.



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8. The acts of the 1st defendant has caused severe damages to the personality rights of the plaintiff and this kind of venomous disparagement has not only defamed him personally and but also his entire family. According to the plaintiff, the first defendant is having an Instagram page titled as "@joycrizildaa". From the said Instagram page, she had published defaming contents on 26.07.2025, which paved way for a media trial, wherein, various television channels, YouTube creators, digital platforms, Instagram accounts have sensationalized the false allegations against the plaintiff. Such debates, discussions have aimed to tarnish the image of the plaintiff and has given a widespread misconceptions and negative impression about the plaintiff. According to the plaintiff, all these allegations are baseless, frivolous, defamatory and is calculated move to bring down the reputation of the plaintiff which was built over the decades in personal capacity and as a director of the company.

9. He further claimed that he is a well acclaimed chef for the past two decades, having a most valuable commercial establishments. Because of this calculated attack against the plaintiff, significant revenue loss has occurred to the company in which the plaintiff is a director. According to the plaintiff, more



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than 150 YouTube channels and several thousands of Instagram accounts have re-published the defamatory videos of Joy Crizilda which was viewed by 75 million viewers, thus making an unlawful commercial gains by monetising the identity of the plaintiff.

10. Since the act of tarnishing the image and reputation of the plaintiff was on day-to-day basis, the plaintiff, has filed the present suit without initiating mediation under Section 12A of the Commercial Courts Act against the defendants. According to the plaintiff, since his personality right is violated and his high reputation is commercially exploited by the defendants by circulating defamatory contents against the plaintiff in the social media, the subject matter of the suit comes under the definition of commercial dispute as contemplated under Section 2(1)(c)(xvii) of the Commercial Courts Act, 2015 r/w the first proviso to Section 7 of the Commercial Courts Act and prayed the reliefs as stated supra.

11. Mr. Srinath Sridevan, the learned senior counsel appearing for the plaintiff pointed out the photographs which are available in the social media, the story that was uploaded by the first defendant about the plaintiff and the first



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defendant's relationship and the photographs posted by the first defendant which shows both of them in a very close proximity and private photographs. The learned senior counsel submitted that all these content were published by the first defendant who had created the picture as if the plaintiff and the first defendant got married at the instance of the plaintiff. The plaintiff denied the marriage. The learned senior counsel submitted that the plaintiff is already married and having two children, who are homed at Coimbatore. The photographs, videos and debates which are on-going in various YouTube channels apart from main stream visual media are tarnishing the image of the plaintiff as an individual and also as the director of a company which had suffered a huge loss. To strengthen the case of the plaintiff, the learned senior counsel relied upon the following judgments:

(i) Order of this court dated 23.05.2025 in O.A. No.525 of 2025 and A. No.2424 of 2025 in C.S. No.111 of 2025;

(ii) Judgment of Allahabad High Court in 2025:AHC:132193 and

(iii) Judgment of the Supreme court of United Kingdom in *PJS v News Group Newspapers Ltd.*, decided on 19.05.2016.



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12. Per contra, the first defendant has filed a detailed counter denying all the allegations levelled by the plaintiff and had specifically stated that in the month of July through an erstwhile friend, she got acquaintance with the plaintiff and from 01.08.2023 to 30.08.2023, the first defendant had met the plaintiff on several occasions in a friendly manner which had turned into a relationship. During this personal meetings, the plaintiff had informed the first defendant that he got judicially separated from his first wife and therefore is living separately and he is in search of a life partner. The plaintiff and the first defendant had discussed about their marital issues, the first defendant had informed that she is undergoing torturous matrimonial life which caused a huge mental agony and at those circumstances, the plaintiff had moved closely and asked her to come out of the matrimonial relationship as she is facing matrimonial torture because of the existing marital life with her husband.

13. According to the first defendant, the plaintiff had insisted her to initiate a divorce proceeding against her husband which caused hindrance for the relationship between the plaintiff and the first defendant. Therefore, the first defendant had filed a divorce application before the family court. She further contended that on 24.12.2023, she got married to the plaintiff as per hindu rites



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and customs at Thiruveedhi amman temple situated at MRC Nagar, Chennai and after the said marriage, the plaintiff has introduced the first defendant as his wife to all his friends, relatives and persons known to him. It is her further case that in the month of May, 2024, the plaintiff has taken the first defendant to his native place, namely Coimbatore, for the first time and introduced her to his parents and the plaintiff got admission to the first defendant's son Jayden in a prestigious school and signed in the school application form as his father.

14. The first defendant's further case is that during September, 2024 she became pregnant because of the intimacy with the plaintiff and when the plaintiff came to know about the same, he insisted her to go for an abortion. Despite her love and affection towards the unborn child, on a continuous persuasion and torture at the hands of the plaintiff, the first defendant underwent abortion and subsequently the same sequence of events occurred again in the month of December, 2024. The pregnancy and abortion have become a regular affair and when she got pregnant in the month of April, 2025, the plaintiff had insisted her to go for an abortion, while, according to the first defendant, she refused to do so. During late April, 2025, the plaintiff became very abusive and started physically abusing the first defendant and demanded her to abort the



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child which was declined by her despite continuous torture by the plaintiff.

When the first defendant visited the plaintiff while he was participating in the television programme "Cooku with Comali", the plaintiff along with his Manager one Mr.Sharma had abused the first defendant in filthy language and assaulted her.

15. The first defendant further contends that at this juncture, she came to know that the plaintiff has never divorced his first wife and that the plaintiff had cohabited with the first defendant who believed that the marriage which took place between the plaintiff and his first wife has come to an end. The marriage between the plaintiff and the first defendant led to two abortions in the month of September and December 2024. According to the first defendant, the plaintiff had deceived her by making her to believe that he is judicially separated from his first wife and persuaded her to go for a divorce with her first husband.

16. Mr.S.Prabhakaran, the learned senior counsel appearing for the 1st defendant contended that the first defendant who is in her advanced stage of pregnancy is fighting for her unborn child. The photos and videos uploaded by the first defendant would establish that the plaintiff has married the first

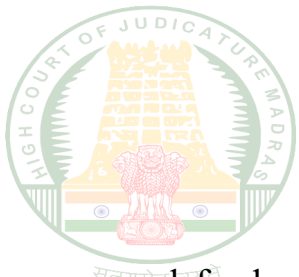


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defendant, the marriage was consummated and the first defendant is carrying the plaintiff's child. The plaintiff has cheated the first defendant by stating that he already obtained divorce from his first wife.

17. The learned senior counsel for the first defendant contended that as the plaintiff forced the first defendant to abort the child and evaded all his responsibilities towards the first defendant and her unborn child, the first defendant went to meet the plaintiff on 13.08.2025 at Hotel Meridien at Chennai and the plaintiff refused to meet her and again she visited the plaintiff on 20.08.2025 in the shooting spot along with her mother and sister. However, there was no response from him.

18. The learned senior counsel submitted that since all these efforts ended as a futile exercise, the first defendant preferred a complaint with the Commissioner of Police, seeking justice on 29.08.2025. She had also addressed the complaint to the Deputy Commissioner of Police and to the Adyar Police Station and Thiruvanmiyur Police Station. The learned senior counsel for the first defendant vehemently contended that the plaintiff himself has agreed in the plaint that there exist an intimate relationship between the plaintiff and the first



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defendant by stating that “*under the guise of professional association, the 1st defendant had deceitfully induced him into a relationship of confidence*”.

Therefore, only to escape from the complaints given by the first defendant before the Tamil Nadu State Commission for Women and before the Commissioner of Police dated 29.08.2025, the plaintiff has filed the present suit to arm twist the legal battle. Learned senior counsel contended that the plaintiff has not established as to how his personality rights are commercialised by the defendants, which is an important factor in a suit of this nature, therefore the plaintiff is not entitled to any interim relief.

19. In support of his claim, the learned senior counsel for the first defendant relied upon the following judgments:

Bloomberg Television Production Services India (P) Ltd. v. Zee Entertainment Enterprises Ltd., reported in (2025) 1 SCC 741, wherein it was held as under:

5. In addition to this oft-repeated test, there are also additional factors, which must weigh with courts while granting an ex parte ad interim injunction. Some of these factors were elucidated by a three-Judge Bench of this Court in Morgan Stanley Mutual Fund v. Kartick Das [Morgan Stanley Mutual Fund v. Kartick Das, (1994) 4 SCC 225 : (1994) 81 Comp Cas 318] , in the following terms : (SCC pp. 241-42, para 36)

“36. As a principle, ex parte injunction could be granted only under exceptional circumstances. The factors which should weigh with the court in the grant of ex parte injunction are—

(a) whether irreparable or serious mischief will ensue to the plaintiff;



(b) whether the refusal of *ex parte* injunction would involve greater injustice than the grant of it would involve;

(c) the court will also consider the time at which the plaintiff first had notice of the act complained so that the making of improper order against a party in his absence is prevented;

(d) the court will consider whether the plaintiff had acquiesced for some time and in such circumstances it will not grant *ex parte* injunction;

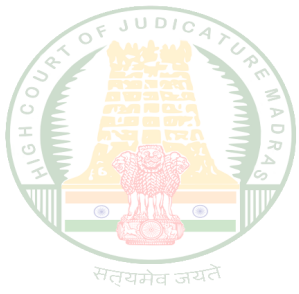
(e) the court would expect a party applying for *ex parte* injunction to show utmost good faith in making the application.

(f) even if granted, the *ex parte* injunction would be for a limited period of time.

(g) General principles like *prima facie* case, balance of convenience and irreparable loss would also be considered by the court.”

6. Significantly, in suits concerning defamation by media platforms and/or journalists, an additional consideration of balancing the fundamental right to free speech with the right to reputation and privacy must be borne in mind [R. Rajagopal v. State of T.N., (1994) 6 SCC 632] . The constitutional mandate of protecting journalistic expression cannot be understated, and courts must tread cautiously while granting pre-trial interim injunctions. The standard to be followed may be borrowed from the decision in *Bonnard v. Perryman* [*Bonnard v. Perryman*, (1891) 2 Ch 269 (CA)] . This standard, christened the “*Bonnard standard*”, laid down by the Court of Appeal (England and Wales), has acquired the status of a common law principle for the grant of interim injunctions in defamation suits [Holley v. Smyth, 1998 QB 726 (CA)] . The Court of Appeal in *Bonnard* [*Bonnard v. Perryman*, (1891) 2 Ch 269 (CA)] held as follows : (Ch p. 284)

“... But it is obvious that the subject-matter of an action for defamation is so special as to require exceptional caution in exercising the jurisdiction to interfere by injunction before the trial of an action to prevent an anticipated wrong. The right of free speech is one which it is for the public interest that individuals should possess, and, indeed, that they should exercise without impediment, so long as no wrongful act is done; and, unless an alleged libel is untrue, there is no wrong committed; but, on the contrary, often a very wholesome act is performed in the publication and repetition of an alleged libel. Until it is clear that an alleged libel is untrue, it is not clear that any right at all has been infringed; and the importance of leaving free speech unfettered is a



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strong reason in cases of libel for dealing most cautiously and warily with the granting of interim injunctions.”(emphasis supplied)

8. In essence, the grant of a pre-trial injunction against the publication of an article may have severe ramifications on the right to freedom of speech of the author and the public's right to know. An injunction, particularly *ex parte*, should not be granted without establishing that the content sought to be restricted is “malicious” or “palpably false”. Granting interim injunctions, before the trial commences, in a cavalier manner results in the stifling of public debate. In other words, courts should not grant *ex parte* injunctions except in exceptional cases where the defence advanced by the respondent would undoubtedly fail at trial. In all other cases, injunctions against the publication of material should be granted only after a full-fledged trial is conducted or in exceptional cases, after the respondent is given a chance to make their submissions.

9. Increasingly, across various jurisdictions, the concept of “SLAPP suits” has been recognised either by statute or by courts. The term “SLAPP” stands for “Strategic Litigation against Public Participation” and is an umbrella term used to refer to litigation predominantly initiated by entities that wield immense economic power against members of the media or civil society, to prevent the public from knowing about or participating in important affairs in the public interest [Donson, F.J.L., *Legal Intimidation : A SLAPP in the Face of Democracy* (London, New York : Free Association Books, 2000).] . We must be cognizant of the realities of prolonged trials. The grant of an interim injunction, before the trial commences, often acts as a “death sentence” to the material sought to be published, well before the allegations have been proven. While granting *ad interim* injunctions in defamation suits, the potential of using prolonged litigation to prevent free speech and public participation must also be kept in mind by courts.

The learned senior counsel relied upon the aforesaid Judgment and argued that the materials published by the first defendant has the potential of bringing out the true color of the plaintiff. Therefore, the plaintiff is not entitled to any interim relief in the present case.

Tata Sons Limited Versus Greenpeace International & Anr, reported in 2011



सत्यमेव जयते **SCC OnLine Del 466**, wherein it was observed as follows:
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"28. The English common law precedent on awarding interim injunctions in cases of defamation is set out by the case of Bonnard (supra). In Bonnard it was decided that an interim injunction should not be awarded unless a defence of justification by the defendant was certain to fail at trial level. The Court's observations, widely applied in subsequent judgments are as follows:

"...[T]he subject-matter of an action for defamation is so special as to require exceptional caution in exercising the jurisdiction to interfere by injunction before the trial of an action to prevent an anticipated wrong. The right of free speech is one which it is for the public interest that individuals should possess, and, indeed, that they should exercise without impediment, so long as no wrongful act is done; and, unless an alleged libel is untrue, there is no wrong committed; but, on the contrary, often a very wholesome act is performed in the publication and repetition of an alleged libel. Until it is clear that an alleged libel is untrue, it is not clear that any right at all has been infringed; and the importance of leaving free speech unfettered is a strong reason in cases of libel for dealing most cautiously and warily with the granting of interim injunctions... In the particular case before us, indeed, the libellous character of the publication is beyond dispute, but the effect of it upon the Defendant can be finally disposed of only by a jury, and we cannot feel sure that the defence of justification is one which, on the facts which may be before them, the jury may find to be wholly unfounded; nor can we tell what may be the damages recoverable."

Again, in Fraser v. Evans, [\[1969\] 1 QB 349](#) Lord Denning MR stated the law as follows:

"The court will not restrain the publication of an article, even though it is defamatory, when the defendant says he intends to justify it or to make fair comment on a matter of public interest. That has been established for many years ever since Bonnard v. Perryman. The reason sometimes given is that the defences of justification and fair comment are for the jury, which is the constitutional tribunal, and not for a judge. But a better reason is the importance in the public interest that the truth should out. ... There is no wrong done if it is true, or if [the alleged libel] is fair comment on a matter of public



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interest. The court will not prejudice the issue by granting an injunction in advance of publication...”

Subsequently, in *Crest Homes Ltd. v. Ascott*, [1980] FSR 396 the Trial Judge granted an interlocutory injunction against the defendant who said that he would justify his assertions. Allowing the appeal and discharging the injunction, the Court (CA) held:

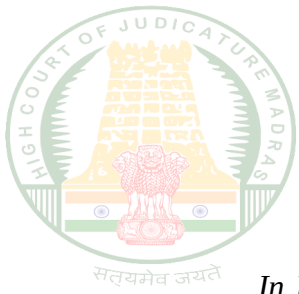
“(1) There was no reason to depart from the general rule that an interlocutory injunction will not be granted against a defendant in a libel action if he intends to plead justification unless the plaintiff can prove that the statement is untrue; (2) The plaintiff had not shown that the defendant's statement was untrue...the line of authority is long and weighty that interlocutory injunctions in these cases will not be granted unless the plaintiff shows that the defence of justification will not succeed...”

In *Herbage v. Pressdram Ltd.*, [\[1984\] 1 WLR 1160](#) Griffiths LJ restated the effect of the rule and then said (at p 1162H):

“These principles have evolved because of the value the court has placed on freedom of speech and I think also on the freedom of the press, when balancing it against the reputation of a single individual who, if wrong, can be compensated in damages.”

He refused to water the principles down. After summarizing an argument by counsel, which suggested that the combined effect of the Rehabilitation of Offenders Act 1974 and the decision of the House of Lords in *American Cyanamid Co. v. Ethicon Ltd.*, [\[1975\] AC 396](#) justified a radical departure from the rule, he went on to say (at p 1163B):

“If the court were to accept this argument, the practical effect would I believe be that in very many cases the plaintiff would obtain an injunction, for on the *American Cyanamid* principles he would often show a serious issue to be tried, that damages would not be realistic compensation, and that the balance of convenience favoured restraining repetition of the alleged libel until trial of the action. It would thus be a very considerable incursion into the present rule which is based on freedom of speech.”



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In *Holley v. Smyth*, [\[1998\] QB 726](#), where the potency of the rule (in *Bonnard*) was reaffirmed the Court reiterated the principle as follows:

*“I accept that the court may be left with a residual discretion to decline to apply the rule in *Bonnard v. Perryman* in exceptional circumstances. One exception, recognised in that decision itself, is the case where the court is satisfied that the defamatory statement is clearly untrue. In my judgment, however, that is a discretion which must be exercised in accordance with established principles.”*

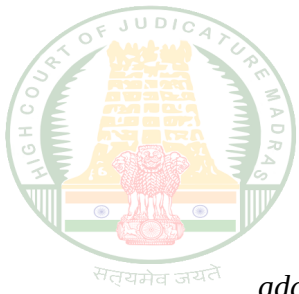
The *Bonnard* rule (against interim injunction restraining publication) was affirmed in *Martha Greene v. Associated Newspapers Ltd.*, [2004] EWCA Civ 1462, in the following terms, after quoting and relying on *Halsbury's Laws of England*, 4th Ed, vol 28, para 167:

“The Law of Prior Restraint in Defamation Actions : the Rationale of the Rule

This survey of the case law shows that in an action for defamation a court will not impose a prior restraint on publication unless it is clear that no defence will succeed at the trial. This is partly due to the importance the court attaches to freedom of speech. It is partly because a judge must not usurp the constitutional function of the jury unless he is satisfied that there is no case to go to a jury. The rule is also partly founded on the pragmatic grounds that until there has been disclosure of documents and cross-examination at the trial a court cannot safely proceed on the basis that what the defendants wish to say is not true...”

....Because of the court's reluctance to fetter free speech and because the questions that arise during the proceedings, such as whether the meaning is defamatory, whether justification or fair comment are applicable and as to malice, are generally for the jury, interlocutory injunctions are granted less readily in defamation proceedings than in other matters and according to different principles...”

29. From the above reasoning it follows that the Court will invariably not grant an interim injunction to restrain the publication of defamatory material as it would be unreasonable to fetter the freedom of speech before the full trial takes place, where each of the parties can argue in detail with the help of



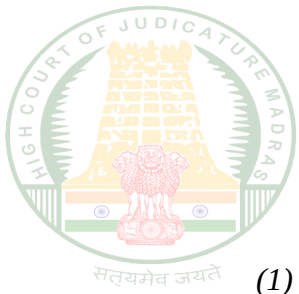
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additional evidence. Similarly in this matter, it is incumbent upon this Court to decide whether it would be reasonable to fetter the reasonable criticism, comment, and parody directed at the plaintiff, which to a large extent is protected by the Constitutional guarantee to free speech, to all the citizens of India. This point of view was also strengthened by a recent challenge to the old common law rule of *Bonnard* in the case of *Greene v. Associated Newspapers Limited*, 2005 (1) All.ER. 30, where it was decided that if it is a known fact that the true validity of the defamation claims will only be tested at trial level then it would only be appropriate for the Court not to award an interim injunction to the plaintiffs as it would otherwise put an unreasonable burden on the concept of free speech. After an elaborate survey of the law on the issue, it was held that:

“This survey of the case law shows that in an action for defamation a court will not impose a prior restraint on publication unless it is clear that no defence will succeed at the trial. This is partly due to the importance the court attaches to freedom of speech. It is partly because a judge must not usurp the constitutional function of the jury unless he is satisfied that there is no case to go to a jury. The rule is also partly founded on the pragmatic grounds that until there has been disclosure of documents and cross-examination at the trial a court cannot safely proceed on the basis that what the defendants wish to say is not true. And if it is or might be true the court has no business to stop them saying it. This is another way of putting the point made by Sir John Donaldson MR in *Khashoggi*, to the effect that a court cannot know whether the plaintiff has a right to his/her reputation until the trial process has shown where the truth lies. And if the defence fails, the defendants will have to pay damages (which in an appropriate case may includes aggravated and/or exemplary damages as well)”.

R. Rajagopal v. State of T.N., reported in (1994) 6 SCC 632 at page 649, wherein it was held as under:

"26. We may now summarise the broad principles flowing from the above discussion:



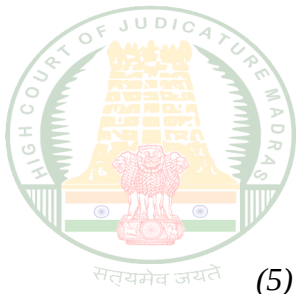
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(1) The right to privacy is implicit in the right to life and liberty guaranteed to the citizens of this country by Article 21. It is a “right to be let alone”. A citizen has a right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child-bearing and education among other matters. None can publish anything concerning the above matters without his consent — whether truthful or otherwise and whether laudatory or critical. If he does so, he would be violating the right to privacy of the person concerned and would be liable in an action for damages. Position may, however, be different, if a person voluntarily thrusts himself into controversy or voluntarily invites or raises a controversy.

(2) The rule aforesaid is subject to the exception, that any publication concerning the aforesaid aspects becomes unobjectionable if such publication is based upon public records including court records. This is for the reason that once a matter becomes a matter of public record, the right to privacy no longer subsists and it becomes a legitimate subject for comment by press and media among others. We are, however, of the opinion that in the interests of decency [Article 19(2)] an exception must be carved out to this rule, viz., a female who is the victim of a sexual assault, kidnap, abduction or a like offence should not further be subjected to the indignity of her name and the incident being publicised in press/media.

(3) There is yet another exception to the rule in (1) above — indeed, this is not an exception but an independent rule. In the case of public officials, it is obvious, right to privacy, or for that matter, the remedy of action for damages is simply not available with respect to their acts and conduct relevant to the discharge of their official duties. This is so even where the publication is based upon facts and statements which are not true, unless the official establishes that the publication was made (by the defendant) with reckless disregard for truth. In such a case, it would be enough for the defendant (member of the press or media) to prove that he acted after a reasonable verification of the facts; it is not necessary for him to prove that what he has written is true. Of course, where the publication is proved to be false and actuated by malice or personal animosity, the defendant would have no defence and would be liable for damages. It is equally obvious that in matters not relevant to the discharge of his duties, the public official enjoys the same protection as any other citizen, as explained in (1) and (2) above. It needs no reiteration that judiciary, which is protected by the power to punish for contempt of court and Parliament and legislatures protected as their privileges are by Articles 105 and 104 respectively of the Constitution of India, represent exceptions to this rule.

(4) So far as the Government, local authority and other organs and institutions exercising governmental power are concerned, they cannot maintain a suit for damages for defaming them.



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(5) Rules 3 and 4 do not, however, mean that Official Secrets Act, 1923, or any similar enactment or provision having the force of law does not bind the press or media.

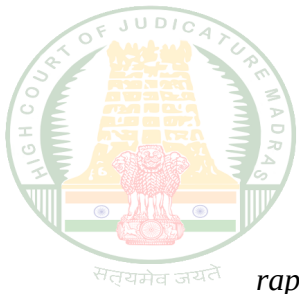
(6) There is no law empowering the State or its officials to prohibit, or to impose a prior restraint upon the press/media."

4. *Anuradha Bhasin v. Union of India*, reported in (2020) 3 SCC 637 , wherein it was held as under:

32. We need to distinguish between the internet as a tool and the freedom of expression through the internet. There is no dispute that freedom of speech and expression includes the right to disseminate information to as wide a section of the population as is possible. The wider range of circulation of information or its greater impact cannot restrict the content of the right nor can it justify its denial. (Refer to *Ministry of Information & Broadcasting v. Cricket Assn. of Bengal* [*Ministry of Information & Broadcasting v. Cricket Assn. of Bengal*, (1995) 2 SCC 161] and *Shreya Singhal v. Union of India* [*Shreya Singhal v. Union of India*, (2015) 5 SCC 1 : (2015) 2 SCC (Cri) 449] .)

33. The development of the jurisprudence in protecting the medium for expression can be traced to *Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India* [*Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India*, (1985) 1 SCC 641 : 1985 SCC (Tax) 121] , wherein this Court had declared that the freedom of print medium is covered under the freedom of speech and expression. In *Odyssey Communications (P) Ltd. v. Lokvidayan Sanghatana* [*Odyssey Communications (P) Ltd. v. Lokvidayan Sanghatana*, (1988) 3 SCC 410] , it was held that the right of citizens to exhibit films on Doordarshan, subject to the terms and conditions to be imposed by the Doordarshan, is a part of the fundamental right of freedom of expression guaranteed under Article 19(1)(a), which can be curtailed only under circumstances set out under Article 19(2). Further, this Court expanded this protection to the use of airwaves in *Ministry of Information & Broadcasting v. Cricket Assn. of Bengal*, (1995) 2 SCC 161] . In this context, we may note that this Court, in a catena of judgments, has recognised free speech as a fundamental right, and, as technology has evolved, has recognised the freedom of speech and expression over different media of expression. Expression through the internet has gained contemporary relevance and is one of the major means of information diffusion. Therefore, the freedom of speech and expression through the medium of internet is an integral part of Article 19(1)(a) and accordingly, any restriction on the same must be in accordance with Article 19(2) of the Constitution.

34. In this context, we need to note that the internet is also a very important tool for trade and commerce. The globalisation of the Indian economy and the



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rapid advances in information and technology have opened up vast business avenues and transformed India as a global IT hub. There is no doubt that there are certain trades which are completely dependent on the internet. Such a right of trade through internet also fosters consumerism and availability of choice. Therefore, the freedom of trade and commerce through the medium of the internet is also constitutionally protected under Article 19(1)(g), subject to the restrictions provided under Article 19(6).

35. None of the counsel have argued for declaring the right to access the internet as a fundamental right and therefore we are not expressing any view on the same. We are confining ourselves to declaring that the right to freedom of speech and expression under Article 19(1)(a), and the right to carry on any trade or business under Article 19(1)(g), using the medium of internet is constitutionally protected.

36. Having explained the nature of fundamental rights and the utility of internet under Article 19 of the Constitution, we need to concern ourselves with respect to limitations provided under the Constitution on these rights. With respect to the freedom of speech and expression, restrictions are provided under Article 19(2) of the Constitution, which read as under:

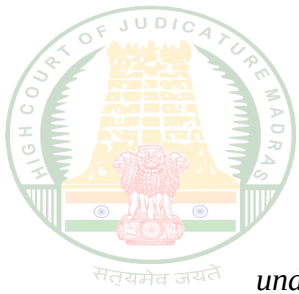
“19. (2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, insofar as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.”

37. The right provided under Article 19(1) has certain exceptions, which empower the State to impose reasonable restrictions in appropriate cases. The ingredients of Article 19(2) of the Constitution are that:

- (a) The action must be sanctioned by law;
- (b) The proposed action must be a reasonable restriction;
- (c) Such restriction must be in furtherance of interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.

38. At the outset, the imposition of restriction is qualified by the term “reasonable” and is limited to situations such as interests of the sovereignty, integrity, security, friendly relations with the foreign States, public order, decency or morality or contempt of court, defamation or incitement to an offence. Reasonability of a restriction is used in a qualitative, quantitative and relative sense.

39. It has been argued by the counsel for the petitioners that the restrictions



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under Article 19 of the Constitution cannot mean complete prohibition. In this context, we may note that the aforesaid contention cannot be sustained in light of a number of judgments of this Court wherein the restriction has also been held to include complete prohibition in appropriate cases. [Madhya Bharat Cotton Assn. Ltd. v. Union of India [Madhya Bharat Cotton Assn. Ltd. v. Union of India, AIR 1954 SC 634] , Narendra Kumar v. Union of India [Narendra Kumar v. Union of India, (1960) 2 SCR 375 : AIR 1960 SC 430] , State of Maharashtra v. Himmatbhai Narbheram Rao [State of Maharashtra v. Himmatbhai Narbheram Rao, (1969) 2 SCR 392 : AIR 1970 SC 1157] , Sushila Saw Mill v. State of Orissa [Sushila Saw Mill v. State of Orissa, (1995) 5 SCC 615] , Pratap Pharma (P) Ltd. v. Union of India [Pratap Pharma (P) Ltd. v. Union of India, (1997) 5 SCC 87] and Dharam Dutt v. Union of India [Dharam Dutt v. Union of India, (2004) 1 SCC 712].]

The judgment of the New York court in *Time Inc. v. Hill* decided on **09.01.1967**, wherein, it was held as under:

"If this is meant to imply that proof of knowing or reckless falsity is not essential to a constitutional application of the statute in these cases, we disagree with the Court of Appeals. We hold that the constitutional protections for speech and press preclude the application of the New York statute to redress false reports of matters of public interest in the absence of proof that the defendant published the report with knowledge of its falsity or in reckless disregard of the truth."

The learned senior counsel for the 1st defendant, referred to the above judgments and contended that unless the plaintiff establishes that the photos, videos and the interviews were uploaded by the 1st defendant with reckless disregard for truth, the same need not be removed.



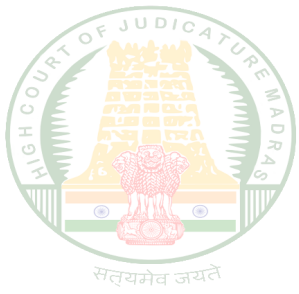
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20. Mr.S.Prabhakaran, the learned senior counsel appearing for the 1st defendant, in the course of the final arguments submitted that the 1st defendant has given birth to the child on 31.10.2025. Though the plaintiff disputes the paternity and claims that the DNA results alone will reveal the paternity, even the said fact has to be determined before a different judicial forum.

21. Heard the learned senior counsels on either side and perused the materials available on record.

22. The first interim prayer is for an interim injunction against the 1st defendant to protect the plaintiff's personality rights. The second prayer is a continuation of the first prayer which is against the John Doe/s. It is more crucial to look into the contention raised by the plaintiff in paragraph 9 where the plaintiff submitted the following:

"9. The plaintiff respectfully submits that the 1st defendant initially approached him by introducing herself as a professional costume designer during December, 2023, projecting that she was capable of assisting him in matters relating to his costume designing requirements. Believing such representations to be genuine and bona fide, and without being aware of the ulterior motives of the 1st defendant, the plaintiff reposed trust in her and extended friendship in good faith. However, the 1st defendant, under the guise of such professional association, with malafide intention to extract unlawful monetary and other benefits from the



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*plaintiff, and by abusing the trust reposed in her, **deceitfully** induced the plaintiff into a relationship of confidence."*

The plaintiff himself has made an averment about the relationship between the plaintiff and the first defendant which is nothing but a physical relationship between them. The plaintiff is a married man, living with his wife and children and the first defendant is also a married woman. The plaintiff is making an attempt to keep in dark, the relationship which was exposed by the first defendant. The claim of the plaintiff is that he is a very innocent man having no knowledge about the consequence of having a relationship with a woman.

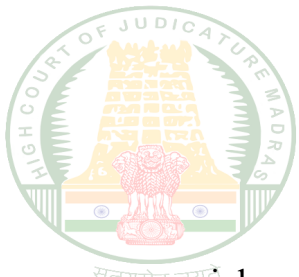
23. The present suit itself is came to be filed when the first defendant started calling out the plaintiff who had physical relationship with her, by making false promises. The plaintiff has candidly admitted that there existed a relationship between the plaintiff and the first defendant and the plaintiff has not denied the marriage photos and other photographs taken by the plaintiff and the first defendant which shows their intimacy. The plaintiff claims that the first defendant with malicious intention to defame the plaintiff has deliberately given interviews to various media and television on 29.02.2025 and thereafter, the interviews of the first defendant was screened, telecasted and uploaded in the



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social media channels like X, facebook, Youtube, Instagram and other social medias. While the plaintiff has not denied the relationship which existed between the plaintiff and the first defendant, the first defendant claims that she was impregnated on three occasions, namely September 2024, December, 2024 and April 2025.

24. The strange fact in the case of the first defendant is that the divorce was granted to the first defendant and her first husband on 16.07.2024 but the marriage between the plaintiff and the first defendant has taken place on 24.12.2023. The said marriage was solemnised at Thiruveedhiamman Temple. The first defendant had claimed that the plaintiff has projected himself as a divorcee who is separated from his legally wedded wife. When the marriage between the plaintiff and his first wife is in force, the plaintiff suppressing the existence of such marriage, has married the first defendant on 24.12.2023. The submissions on both sides would only show that neither the plaintiff nor the first defendant is in a healthy relationship which exist between a man and woman. The bare denial of cohabitation by the plaintiff with the first defendant is nothing but an attempt to escape from the clutches of law. The photographs, videos and Whatsapp chats which were shared by the first defendant on the



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social media and the interview given by the first defendant exposing her cause with regard to her relationship with the plaintiff makes it clear that there exist a substantial issue between the parties. The validity of the marriage between the plaintiff and the first defendant which has taken place on 24.12.2023 as claimed by the first defendant is a subject matter which is out of the purview of this court.

25. In support of her claim, the 1st defendant relied upon a lease agreement entered into between one Mrs. Anandhi L and Madhampatty Thangavelu Hospitality Pvt. Ltd., dated 27.02.2024 in respect of a residential building. The plaintiff has signed the said agreement in which the relationship between the plaintiff and the 1st defendant is mentioned as husband and wife. The 1st defendant had enclosed her medical records running from Page No.15 to 27. Page No.29, the scan report of the first defendant related to pregnancy is enclosed.

26. The first defendant relied on the photographs which were taken on 24.12.2023, when the marriage was solemnised in a temple, more specifically, in Page No.129 of the typed set dated 06.10.2025 at Page Nos.129 & 130. The



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conversation between plaintiff and the first defendant in Whatsapp has also been filed by the first defendant in the typed set which are very personal.

27. Though the plaintiff claims that he was threatened by using the photos, videos and chats had been uploaded on the social media, there is no iota of material produced by the plaintiff to show that he has preferred a police complaint as against the first defendant in respect of the threat, coercion or a malicious/scandalous allegations have been levelled against the plaintiff. There is not even a legal notice issued by the plaintiff asking the first defendant to refrain from uploading such videos and photographs.

28. In the typed set dated 03.09.2025 filed by the plaintiff, page Nos.15 to 22, are YouTube thumbnails showing various YouTube channels discussing the issues between the plaintiff and the 1st defendant as a consequence of the interviews, statements, posts and the story uploaded by the first defendant on various social media platforms. In the same typed set, in page No.20, the photographs showing the plaintiff and the first defendant as a bride and groom with a smiling face are annexed. In the said photographs, the groom, who is the plaintiff herein is wearing silk shirt and silk dhoti and the bride and groom are

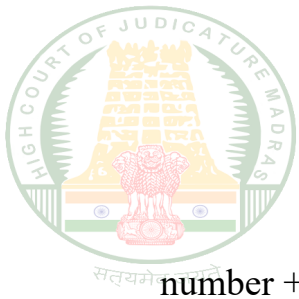


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wearing several new garlands in the manner how a wedding couple would be dressed on the day of their wedding.

29. At page No.21, the screenshot of photos and videos about the relationship between the parties are enclosed. These kind of photographs and videos are uploaded and widely debated on the social media by several youtube channels. According to the plaintiff, all these videos and photographs are uploaded by the first defendant. In the first additional typed set dated 22.09.2025 filed by plaintiff, page Nos.1 and 2 shows the photographs of the plaintiff and the first defendant taken privately. The plaintiff has given 75 links at Page Nos.17 and 18, which are the links to the YouTube videos in which several interviews given by the first defendant are telecasted. At page 19 of the said additional typed set, the first defendant has given an interview which is titled as "Video va remove panna solranga". This news was aired in Thanthi TV, Sun News, News 18, NewsTamil 24x7, Polimer News, Malaimurasu Tv 24X7, Sathiyam News, etc.

30. In the second additional typed set filed by the plaintiff dated 22.09.2025, Whatsapp messages between the first defendant and one mobile



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number +919047770009, which according to the plaintiff belongs to his wife are annexed. In the said Whatsapp conversation between the first defendant and the wife of the plaintiff, the 1st defendant has sent text messages asserting her claim with regard to her relationship with the plaintiff, more specifically her status as a wife of the plaintiff.

31. In the third additional typed set filed by the plaintiff, 141 websites which has transmitted, aired, telecasted the interviews and discussions the social media platforms are given. The plaintiff relied upon a letter, which, according to the plaintiff is written by the first defendant which starts with a title Day 10. In the said hand written letter, the 1st defendant had narrated her wishes by mentioning the plaintiff as her husband. The said letter has no addresses or any signature, it is only a manuscript. Several photographs are enclosed commencing from Page No.4 to 30 without any clarity as to whether these photographs were posted on Instagram or twitter or facebook or in any of the YouTube channels.

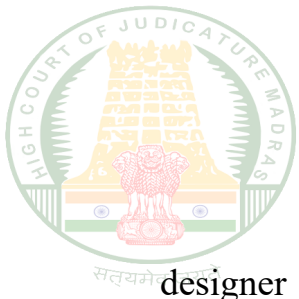
32. The averments in the plaint would only prima facie show that there existed a physical relationship between the plaintiff and the first defendant who



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are not only grown up adults, they are married and having children who are conscious about the impact and the consequence of having a physical relationship out of the marital life which have resulted in the plaintiff and the first defendant to trade charges against each other. The photos filed by the first defendant exhibits the absolute happiness in the face of the plaintiff and the first defendant when these photographs and videos were taken during their pleasant moments. The photos on birthday celebration of the plaintiff which was uploaded by the 1st defendant on the social media also reflects the most joyful moments shared by the plaintiff with the first defendant in celebrating his birthday with the first defendant during late night in a beach. These photographs and videos cannot be brushed aside on a mere statement that all these photos and videos and Whatsapp chats are fabricated and concocted. This kind of a bare denial of relationship cannot be permitted.

33. It is to be taken note that the first defendant had started posting the photos, videos and Whatsapp chats on various social media only after the indifferent attitude exhibited by the plaintiff as against the first defendant. It is not only the plaintiff who has gained a tall reputation in the society as a celebrated chef, equally, the first defendant is also a professional costume



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designer who was taken by him to several important functions. Therefore, the first defendant's reputation is also damaged because of the relationship between the plaintiff and the first defendant. The plaintiff alone cannot claim that his image has been tarnished by the first defendant.

34. It is the 1st defendant's claim that after impregnating the 1st defendant, the plaintiff had shed away their relationship . Therefore, to assert her relationship with the plaintiff, the first defendant has uploaded all the videos and photographs, whatsapp chats on the social media which has resulted in re-telecast by news channels, youtubers as a news item. None of the second defendant had approached neither the plaintiff nor the first defendant about their story. The parties themselves have been washing their dirty linen in public.

35. It is to be noted that based on the complaint of the first defendant, a case has been registered as against the plaintiff in CCB-I in Crime No.179 of 2025 dated 08.10.2025 for an offence under Section 115(2) and 351(2) of BNS, 2023. In the complaint given by the first defendant to the Tamil Nadu State Women's Commission in Roc No.5118/WC/A1/2025 dated 09.10.2025, the



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following order was passed by the said Commission. The relevant portion is extracted hereunder:

"13. In the above circumstances, this commission recommends the Deputy Commissioner of Crime Against Women and Children to have criminal prosecution against Mr.Madhampatty Rangaraj effectively with adequate sections under Tamil Nadu Prohibition of Harassment of Women(Amendment) Act, 2025, BNS Act.

1. To give adequate protection to the complainant from Mr.Madhampatty Rangaraj and his henchmen.

2. Protect the identity of the victim and her right to privacy in accordance with law

3. To initiate criminal prosecution against Mr.Sharma the Manager of Mr.Madhampatty Rangaraj for outraging the modesty of the complainant in public place."

36. The Tamil Nadu State Commission for Women, which is a statutory body before whom, the plaintiff had appeared and had given a statement that he had married the first defendant and the child in the womb of the first defendant belongs to the plaintiff. Though this fact has been denied by way of a statement issued by the plaintiff, the order passed by the Tamil Nadu State Commission for Women has not been challenged as on date. Therefore, when the plaintiff has admitted that he had married the first defendant and she is carrying his child in her womb is an undisputed observation of the Commission.

37. It is relevant to discuss the order of this court made in O.A. No.525 of 2025 and A. No.2424 of 2025 in C.S. No.111 of 2025 dated 23.05.2025, which

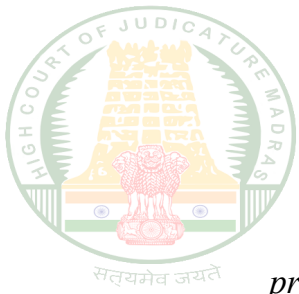


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is relied upon by the learned senior counsel for the plaintiff. In the said order, this court has held as follows:

1. Charity begins at home. The applicant wants to restrain the respondents from defaming him. He also wants them to take down the defamatory material posted by them in the online world. The applicant is the husband of the first respondent and son-in-law of the second respondent. There is a biblical saying that one should do to others what he / she would want them to do to him / her. Negatively put, one should not do to others what he / she would not want them to do to him / her. The applicant herein does not want the respondents to defame him. Fair enough. But the applicant also should conduct himself likewise. When this was put to the Senior Counsel for the applicant, he readily conceded. Both parties undertook to refrain from damaging each others' name in public. They informed the Court that they would fight out their battles within the four corners of the Court hall. In terms of the undertaking given by the parties through their respective senior counsel, both sides are henceforth restrained from making any statement against each other in public. This restraint order will hold good till the conclusion of this civil suit. Both sides are further directed to take down the posts made by them against each other in social media already. The request to take down the offending posts shall be made immediately and the concerned social media platforms shall comply with the request without any delay.

4. The applicant and the first respondent got married on 04.06.2009 and two male children were born from the wedlock. Their marital relationship is under severe strain. Since the applicant is a celebrity, the issue has evoked public attention. Both the parties have gone hammer and tongs at each other. The footprints of the negative campaign are there for all to see in the virtual world. I am worried about the impact it will have on the psychological health of the children. Article 8 of ECHR states that everyone has the right to respect for his private and family life. Article 16 of the United Nations Convention on the rights of the child states that no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence nor to unlawful attacks on his or her honour and reputation. The child has the right to

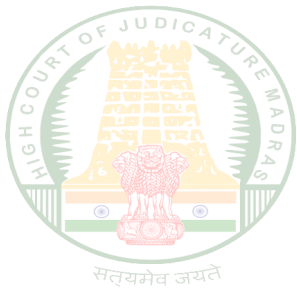


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protection of the law against such interference or attacks. This convention was ratified by Government of India in 1992 itself. Article 51 of the Indian Constitution emphasises on the need to foster respect for international law and treaty obligations. Section 9(2) of Digital Personal Data Protection Act, 2023 mandates that a Data Fiduciary shall not undertake such processing of personal data that is likely to cause detrimental effect on the wellbeing of a child. I referred to these provisions only to emphasise the need to bear in mind the paramount interests of the children in such matters.

5.What is at stake is the right to reputation and privacy of the parties concerned. The Hon'ble Supreme Court had held in Sukhwant Singh Vs. State of Punjab (2009) 7 SCC 559 that the reputation of a person is one's valuable asset and is a facet of his right under Article 21 of the Constitution of India. Privacy too has been declared as a fundamental right flowing out of the same article (K.S.Puttaswamy Vs. Union of India (2017) 10 SCC 1). In Kaushal Kishor vs. State of U.P (2023) 4 SCC 1, it was declared that a fundamental right under Articles 19 / 21 can be enforced even against persons other than the state or its instrumentality. Thus, there can be a horizontal application of the fundamental right to reputation and privacy even against private entities.

38. It is to be noted that in the above said judgment, it is an order by consent, where the court has passed a blanket injunction against the second defendant not to air the news as the parties in the above referred case have given their consent to refrain from airing the personal affairs of their life, based on which, an injunction was granted. But the said factum is different from the present case where the first defendant continuously approached the social media and posted all these matters on the social media which are of material evidence as per Section 65 of the Indian Evidence Act.



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39. The learned senior counsel for the plaintiff, also relied upon the judgment of the Supreme Court of United Kingdom in *PJS v News Group Newspapers Ltd*, decided on 19.05.2016, wherein, it was observed as under:

"4. We can for the most part take the facts from Jackson LJ's judgment in the Court of Appeal. PJS, the claimant (now the appellant) is in the entertainment business and is married to YMA, a well-known individual in the same business. They have young children. In 2007 or 2008, the claimant met AB and, starting in 2009, they had occasional sexual encounters. AB had a partner, CD. By text message on 15 December 2011, the claimant asked if CD was "up for a three-way", to which AB replied that CD was. The three then had a three-way sexual encounter, after which the sexual relationship between PJS and AB came to an end, though they remained friends for some time.

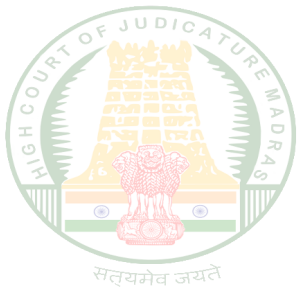
5. By or in early January 2016, AB and CD approached the editor of the Sun on Sunday, and told him about their earlier sexual encounters with PJS. The editor notified PJS that he proposed to publish the story. PJS's case is that publication would breach confidence and invade privacy. He brought the present proceedings accordingly, and applied for an interim injunction to restrain the proposed publication.

22. That criticism of supposed infidelity cannot be the guise under which the media can disclose kiss and tell stories of no public interest in a legal sense is confirmed by a series of European Court of Human Rights ("ECtHR") judgments. Thus, in Armonienė v Lithuania [2009] EMLR 7, para 39, the Court emphasised the duty of the press to impart information and ideas on matters of public interest, but noted that

"a fundamental distinction needs to be made between reporting facts even if controversial - capable of contributing to a debate in a democratic society and making tawdry allegations about an individual's private life";

In Mosley v United Kingdom [2012] EMLR 1, para 114, the Court reiterated that

"there is a distinction to be drawn between reporting facts even if controversial capable of contributing to a debate of general public interest in a democratic society, and making tawdry



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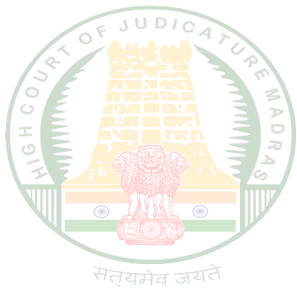


allegations about an individual's private life (see Armoniené, para 39). In respect of the former, the pre-eminent role of the press in a democracy and its duty to act as a 'public watchdog' are important considerations in favour of a narrow construction of any limitations on freedom of expression. However, different considerations apply to press reports concentrating on sensational and, at times, lurid news, intended to titillate and entertain, which are aimed at satisfying the curiosity of a particular readership regarding aspects of a person's strictly private life (Von Hannover v Germany (2005) 40 EHRR 1, para 65; Hachette Filipacchi Associés (ICI PARIS) v France, no 12268/03, para 40; and MGN Ltd v United Kingdom (2001) 53 EHRR 5, para 143). Such reporting does not attract the robust protection of article 10 afforded to the press. As a consequence, in such cases, freedom of expression requires a more narrow interpretation (see Société Prisma Presse v France (dec), nos 66910/01 and 71612/01, 1 July 2003, Von Hannover, cited above, para 66. Leempoel & SA E Ciné Revue v Belgium, no 64772/01, para 77, 9 November 2006, Hachette Filipacchi Associés (ICI PARIS), cited above, para 40, and MGN Ltd, cited above, para 143."

23. Most recently, in *Coudere and Hachette Filipacchi Associés v France* (Application No 40454/07), paras 100-101, the Court said:

100. The Court has also emphasised on numerous occasions that, although the public has a right to be informed, and this is an essential right in a democratic society which, in certain special circumstances, can even extend to aspects of the private life of public figures, articles aimed solely at satisfying the curiosity of a particular readership regarding the details of a person's private life, however well-known that person might be, cannot be deemed to contribute to any debate of general interest to society (see Von Hannover, cited above, para 65, MGN Ltd v United Kingdom, no 39401/04, para 143, 18 January 2011; and Alkaya v Turkey, no. 42811/06, para 35, 9 October 2012).

101. Thus, an article about the alleged extra-marital relationships of high-profile public figures who were senior State officials contributed only to the propagation of rumors, serving merely to satisfy the curiosity of a certain readership (see Standard Verlags GmbH v Austria (No 2), no 21277/05,



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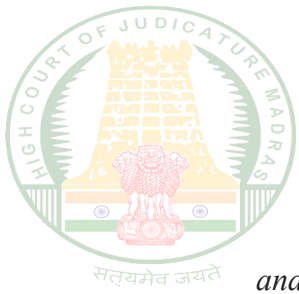


para 52, 4 June 2009). Equally, the publication of photographs showing scenes from the daily life of a princess who exercised no official functions was aimed merely at satisfying the curiosity of a particular readership (see *Von Hannover*, cited above, para 65, with further references). The Court reiterates in this connection that the public interest cannot be reduced to the public's thirst for information about the private life of others, or to the reader's wish for sensationalism or even voyeurism."

58. However, claims based on respect for privacy and family life do not depend on confidentiality (or secrecy) alone. As Tugendhat J said in *Goodwin v News Group Newspapers Ltd* [2011] EMLR 502, para 85, "[t]he right to respect for private life embraces more than one concept". He went on to cite with approval a passage written by Dr Moreham in *Law of Privacy and the Media* (2nd ed (2011), edited by Warby, Moreham and Christie), in which she summarised "the two core components of the rights to privacy" as "unwanted access to private information and unwanted access to [or intrusion into] one's ... personal space" what Tugendhat J characterised as "confidentiality" and "intrusion".

60. Perusal of those decisions establishes that there is a clear, principle and consistent approach at first instance when it comes to balancing the media's freedom of expression and an individual's rights in respect of confidentiality and intrusion. There has been not even a hint of disapproval of that approach by the Court of Appeal (although it considered appeals in *McKennitt* [2008] QB 73 and *JIH* [2011] 1 WLR 1645). Indeed, unsurprisingly, there has been no argument that we should take the opportunity to overrule or depart from them. Accordingly, it seems to me that it is appropriate for this Court to adhere to the approach in those cases. Not only do they demonstrate a clear and consistent approach, but they are decisions of judges who are highly respected, and, at least in the main, highly experienced in the field of media law and practice; and they were mostly decided at a time when access to the internet was easily available to the great majority of people in the United Kingdom.

73. This means that, at trial, the court will have to consider carefully the nature and extent of the likely harm to the children's interests which will result in the short, medium and longer terms from the publication of this information about one of their parents. At present, there is no evidence about this. It is possible that, at trial, the evidence will not support any risk of harm to the children's interests from publication of the story in the English print



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and broadcasting media. It is possible that the evidence will indicate that the children can be protected from any such risk, by a combination of the efforts of their parents, teachers and others who look after them and some voluntary restraint on the part of the media.

74. On the other hand, it is also possible that the evidence will support a risk of harm to the children's interests from the invasion of their own and their parents' privacy, a risk from which it will be extremely difficult to protect them. There is all the difference in the world between the sort of wall to wall publicity and intrusion which is likely to meet the lifting of this injunction and their learning this information in due course, which the Court of Appeal thought inevitable. For one thing, the least harmful way for these children to learn of these events is from their parents. Their parents have the resources to take wise professional advice about how to reveal and explain matters to their children in an age-appropriate way and at the age-appropriate time. No doubt their parents are already giving careful thought to whether this might be the best way of protecting their children, especially from the spike of interest which is bound to result from this judgment let alone from any future judgment. The particular features which are relevant to the balancing exercise in this case are contained in three short paragraphs in the unredacted version of this judgment. These unfortunately have to be redacted because it would be comparatively easy to surmise the identity of the children and their parents from them. There are particular reasons why care should be taken about how, when and why these children should learn the truth."

40. The learned senior counsel for the plaintiff, referred to the above judgment and contended that the media is circulating certain aspects of the plaintiff's personal life to satisfy the curiosity of some readers. He further contended that such kind of publications does not attract the protection given under the law. Therefore, the defamatory content against the plaintiff, which are circulated in the social media platforms has to be taken down.

41. The above judgment will not come to the rescue of the plaintiff, for a simple reason that the issue involved in the present case did not originate from a



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random publication made in a newspaper or a social media platform. The photos, videos and the interviews, which are the main cause for filing of the present suit has been uploaded online by the 1st defendant who claims that the plaintiff has left her in the lurch after impregnating her. Therefore, the above judgment is not relevant to the facts and circumstances of the present case.

42. The crocodile tears shed by the plaintiff disputing the marriage, physical relationship, photographs, videos, Whatsapp chats emanated only when the first defendant aired everything on the social media on 29.08.2025. Several typed sets were filed by the first defendant showing intimate photographs that have been taken by the plaintiff and the first defendant, which would only show that there existed a relationship. As already pointed out supra, the plaintiff himself has clandestinely admitted the existence of a relationship between the parties at paragraph 9 of the Plaint.

43. No doubt, the first defendant has produced so many photographs, videos, whatsapp chats which were uploaded in the social media by the first defendant and the issue has been subsequently debated by several news channels, magazines and youtubers. The genuineness of all these photos, videos



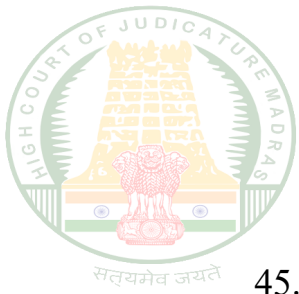
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etc., are to be determined only by letting in evidence and these are all matter for trial. As the first defendant has produced intimate photographs taken with the plaintiff, the police complaint as against the plaintiff and the finding given by the Tamil Nadu State Commission for Women are all material factors which are steering against the plaintiff, who cannot abridge the evidentiary value of the said materials by claiming it to be fake or obtain protection by seeking an injunction in present suit.

44. It is relevant to rely upon the judgment delivered by the High Court of Delhi in ***C.S.(OS) No.2662 of 2011***, wherein, the *right to publicity* has been defined as the right to control commercial use of human identity. The relevant paragraph is extracted hereunder:

II. Publicity right of a celebrity:

A celebrity is defined as a famous or a well-known person. A 'celebrity' is merely a person who 'many' people talk about or know about. When the identity of a famous personality is used in advertising without their permission, the complaint is not that no one should not commercialise their identity but that the right to control when, where and how their identity is used should vest with the famous personality. The right to control commercial use of human identity is the right to publicity.



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45. In *Anuradha Bhasin v. Union of India and others* reported in (2020) 3 SCC 637, the Hon'ble Supreme court in paragraph 33 of the judgment has held that the freedom of speech and expression through the medium of internet is an integral part of Article 19(1)(a) and accordingly, any restriction on the same must be in accordance with Article 19(2) of the Constitution.

46. The Hon'ble Supreme Court has categorically held that as freedom of speech under Article 19(1)(a) is a fundamental right, there can be reasonable restrictions under Article 19(2), however, there cannot be a blanket order to restrict or refrain the rights of the individual to express their views. It is to be noted that the judgments relied by the learned counsel for the 1st defendant would make it clear that the fundamental right to speech is the right conferred on every single citizen and if the personality rights of the plaintiff is violated by circulation of content concerning his personal life in the social media, the plaintiff has to approach the court and establish the commercial exploitation of the personality rights using the said content by the respective persons.

47. However, the plaintiff has only identified the second defendant with several links to the YouTube channels and other social media platforms.

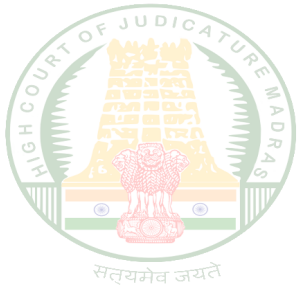


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Absolutely, there is no material before this court except the photographs and the links. Merely furnishing the links and photographs will not be sufficient for the court to prima facie come to the conclusion that there is a violation of personality rights of the applicant/plaintiff and in the absence of any specific allegation made with regard to commercial gain to the defendants, the claim made by the applicant/plaintiff seeking an injunction is against the settled principles on the fundamental rights guaranteed under Article 19(1)(a).

48. The plaintiff is only making an attempt to shut the voice of the individuals or the social media who are airing their views which are against him. Therefore, the claim made by the plaintiff is hereby rejected. Consequently, the prayer sought as against the second defendant for a blanket direction to remove the videos, photographs, Whatsapp chats, Instagram posts and debates on the issues between the plaintiff and the first defendant cannot be granted. As the plaintiff has not prima facie established his case as against the defendants 1 and 2 and as the balance of convenience and irreparable injury are in favour of the 1st defendant, both the interim prayers are rejected.

49. In view of the above discussions, both the applications are dismissed.
No costs. Post the Suit in the usual course.



O.A. No.948 of 2025

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07.01.2026

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Index : Yes/No

Neutral Citation : Yes/No

N.SENTHILKUMAR, J.

Asr

O.A. No.948 of 2025 & A. No.4798 of 2025
in C.S. (Comm. Div.) No.250 of 2025

Dated : 07.01.2026