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Crl.R.C.No.445 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.Rc.No.445 of 2023

V.P.Sarathi

... Petitioner

Vs.

1. Mrs.S.Kiruthigha

2. Mr.V.Senthil

... Respondents

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Criminal Procedure Code, 1973 to set aside the order passed by the learned Judicial Magistrate No.VI, Coimbatore, dated 01.07.2022 in C.M.P.No.14125 of 2022.

For Petitioner : Mr.M.Pugazhendhi

For Respondents : Mr.G.Karthikeyan, SC for
M/s.M.Jagadeeswari



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ORDER

This Criminal Revision Petition has been filed, seeking to set aside the order passed by the learned Judicial Magistrate No.VI, Coimbatore, dated 01.07.2022 in C.M.P.No.14125 of 2022.

2. On last hearing, the learned counsel for the parties have elaborately argued the matter. However, at the request of the learned counsel for the petitioner, this matter is posted today for withdrawal. But the learned counsel for the petitioner is not evincing any interest to withdraw the revision. Hence, this Court is inclined to pass orders on merits.

3. During arguments, the learned counsel for the petitioner would submit that the petitioner is a renowned practising Advocate and rendering legal services to his clients and also running a website, “*www.vpslawfirm.com*” providing legal information to his clients. While so, after availing the services of the petitioner, the 1st respondent herein, has



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posted some defamatory remarks against the petitioner in the Google Search Website of the petitioner and thereby, committed the offence of defamation, punishable under Section 500 IPC. However, without considering the documents and the evidence placed on record by the petitioner which would clearly establish the commission of offence by the respondents herein, the learned Magistrate, by passing the impugned order, dismissed the complaint, which is liable to be set aside.

4. On the other hand, the learned Senior counsel appearing for the respondents would submit that the petitioner has not made out any case against the respondents much less defamation inasmuch as the 1st respondent has expressed her opinion regarding the services which she received from the petitioner and according to her, the services rendered by the petitioner are not satisfactory and thereby, she posted her view in the Google Review page and it does not amount to defamation as alleged by the petitioner. Therefore, the Court below has dealt with this aspect in proper perspective and rightly dismissed the complaint, which requires no



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interference. He would further submit that the 2nd respondent is none other than the father of the 1st respondent and he only tendered apology on behalf of his daughter, but unfortunately, the petitioner arrayed him as an accused in the complaint, which is not maintainable.

5.Heard the learned counsel appearing for the petitioner and the learned Senior counsel for the Government Advocate (Crl.Side) appearing for the respondents and perused the materials placed on record.

6. A perusal of the records shows that the petitioner, who is a practising Advocate, has filed a compliant before the Court below under Section 200 Cr.P.C. against respondents in CMP No.14125 of 2022, alleging that the respondents have committed the offence of defamation. According to the petitioner, on 22.12.2021, the 1st respondent had posted a review in Google Review as regards the services of the petitioner are concerned, stating that *“Very disrespectful and doesn't respondent for anything. Worst Lawyer. Save your dignity by not consulting him”*. This



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according to the petitioner, in order to defame the reputation of the petitioner and to lower the good image in the minds of the clients, the 1st respondent had intentionally posted these defamatory words and thereby, committed the offence of the defamation.

7. It appears that the 1st respondent had contacted the petitioner for legal service and since she had not received the service upto her expectation, she expressed her view and posted negative feelings against the the petitioner in Google Review. Internet is a free platform and it is an important means of expression and communication. Defamation is defined as the communication of a false statement that harms the reputation of an individual or entity. Therefore, posting or canvassing false statements/remarks derogatory in nature, causing harm to the reputation of any individual or entity in the social media, would certainly amount to defamation. But mere expressing views in Google Review about the services that were received by the 1st respondent, in my opinion, does not amount to defamation. There may be honest feedback/reviews or false



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reviews. But the aggrieved person, the complainant herein, can very well defend or attack if the review posted by the 1st respondent is fake and without any basis and can post his review against the 1st respondent establishing her review is baseless. Further, after noticing the review posted by the 1st respondent, there is every likelihood of the reviews being posted by the other clients who received good and satisfactory services from the petitioner, denying the review posted by the 1st respondent. The Court below has rightly observed that the right to free speech expressed under Article 19(1)(a) of the Constitution of India covers such expression of one's review for the services received in an Online platform such as Google Review and sharing of review in the Google Review by the 1st respondent does not amount to defaming the petitioner. In fact, the 2nd respondent who is the father of the 1st respondent has tendered apology on behalf of the 1st respondent, stating that the review made by his daughter might have hurt the feelings of the petitioner and that the reviews were also removed from the Google Review. But unfortunately, he was arrayed as an accused by the petitioner and absolute there were no *prima facie* allegations made out



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against the respondents to proceed against them for the offence of defamation. I do not find any scope to interfere with the findings of the Court below and there is no merit in the revision case in order to entertain the same.

8. Accordingly, the Criminal Revision Case fails and it is dismissed as devoid of merits.

20.03.2023

Index: Yes/No
Internet: Yes/No
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To

1. The Judicial Magistrate No.VI,
Coimbatore.



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V.SIVAGNANAM, J.,

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