



WEB COPY

O.A.No.529 & 530 of.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 14.07.2025	PRONOUNCED ON 26.08.2025
---	---

CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

O.A.No.529 & 530 of 2025
and A.No.2426 of 2025
in C.S.No.112 of 2025

1. Pollachi V. Jayaraman
2. Pravin Jayaraman ... applicants in both the O.As

Vs

1.Nakkheeran Gopal
2.Va.Pugazhendhi
3.Galatta Media Private Limited
Represented by its Director,
Muthukrishnan Sivaramakrishnan
Having Office at:
7th Floor, sigma Wing, No.177,
Raheja Towers, Anna Salai,
Chennai – 600 002.
4.Haseef Mohamed
5.IBC TAMIL Private Limited
Represented by its Managing Director,
Kannan Sriraman
Having registered Office at
No.302, Anna Salai,
Teynampet, Chennai – 600 006.



6.Damodharan Prakash

7.Jeeva Today

Represented by its Chief Editor,
Jeeva Sagapthan
Senior Anchor & Co-Producer,
News18 Tamil Nadu,
Bascon Maureu, 5th and 6th Floor,
Valluvar Kottam,
Chennai – 600 034.

8. Jambavan TV

Represented by its Chief Editor,
Arun Kumar,
Having Office at,
C 108, KG Earth Homes,
Thalambur Main Road, Siruseri,
Chennai – 603 103.

Also having office at

5th Floor, Victoria Gardens,
100 Feet Road, Jai Nagar,
Koyembedu, Chennai – 600 107.

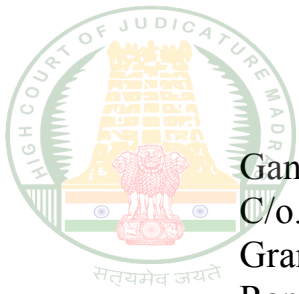
9.Pandiyan @ Tamizha Tamizha Pandian

10.The Debate

Represented by its Editor,
Dinesh
Having office at:
No.4, Bhuvaneshwari Complex,
3rd Floor, Dr.Thomas Toad,
T.Nagar, Chennai – 600 017.

11.Tamilnadu Now

Represented by its Chief Editor,



Ganesh Murugan
C/o.777 Media Forest Private Limited,
Grand Southern Trunk Road,
Ramapuram, Alandur,
Chennai – 600 032.

... Respondents in both the O.As

In both the O.As.

For Applicants : Mr.S.R.Rajagopal
Senior Counsel
for Mr.Arvind Srevatsa

For Respondents : Mr.P.T.Perumal for R1
Mr.R.Thirumoorthy for R2
Mr.Sanjay Pinto for R3
R4 – Served – No appearance
Mr.S.Aravindan
for M/s.Fox Mandal Associates for R5
R6 – Not ready in notice
Mr.K.Thilageswaran for R7
Mr.Tamilvendan for R8
R9 – Not ready in notice
Mr.C.Subramanian
for M/s.Arulselvam Associates for R10
R11 – Not ready in notice

COMMON ORDER

The Original Application in O.A.No.529 of 2025 has been filed to grant an order of interim mandatory injunction by directing the respondents/defendants to remove the following videos published (1) on 13.05.2025 in the YouTube Channel of the first defendant “Nakkheeran TV”, (2) on 13.05.2025



in the YouTube Channel of the fourth defendant “*Aransei*”, (3) on 13.05.2025 in the YouTube Channel of the seventh defendant “*Jeeva Today*”, (4) on 13.05.2025 in the YouTube Channel of the eight defendant “*Jambavan TV*”, (5) on 14.05.2025 in the YouTube Channel of the third defendant “*Galatta Voice*”, (6) on 14.05.2025 in the YouTube Channel of the tenth defendant “*The Debate*”, (7) on 15.05.2025 in the YouTube Channel of the eleventh defendant “*Tamilnadu Now*” and (8) on 15.05.2025 in the YouTube Channel of the fifth defendant “*IBC Tamil*”, morefully described in the Schedule to the Judges Summons, pending disposal of the present suit.

2. The Original Application in O.A.No.530 of 2025 has been filed to pass an order of interim injunction restraining the respondents/defendants, their men, agents, servants and anyone claiming under them and acting on their behalf from in any way making and publishing any imputations by connecting the applicants/ plaintiffs to the Pollachi Sexual Assault case 2019, either directly or by innuendos, in any manner whatsoever, pending disposal of the present suit.

4. Mr.S.R.Rajagopal, learned Senior Counsel appearing on behalf of the



applicant would contend that the suit had been initiated for claiming damages for the alleged defamatory, derogatory and false imputations made against the applicants. According to him, the respondents 1, 2, 6 & 9 are the originators (*hereinafter referred to as originators*) while respondents 3, 4, 5, 7, 8, 10 & 11 are intermediators and he would contend that the allegations made are *per se* defamatory and false even to the knowledge of the respondents. He would submit that the statements all relate to a sexual assault case where the originators after the disposal of the criminal case in the sexual assault case with imputation had been roping in the applicants without any materials. He would submit that the allegations made against the first applicant is that he had been much instrumental in investigation not being proceeded against the second applicant, who is the son of the first applicant. He would submit that the second applicant had not been arrayed as an accused even by the CBI. He would further submit that the first respondent had claimed himself to be an Investigating Journalist. Had any evidence as against the second applicant, he could have placed it before the trial Court. Even though, the first respondent claims that he had been instrumental in the complaint itself being lodged had not taken any steps whatsoever either during the investigation or during the trial in implicating the second applicant. Therefore, he would submit that much



less without any materials only to gain mileage, the first respondent had been making statements to tarnish the image and bring down the reputation of the applicants.

5. Taking this Court through the various statements made in support of his claim, he would contend that such statements are beyond the right given to a citizen under Article 19(1)(a) of the Constitution. Such statements would not fall within the redeem of Article 19(1)(a), but, would fall squarely under the restrictions under Article 19(1)(2). He would submit that the second respondent also being a responsible political opponent, also made statements by referring to the statements made by the first respondent. He would submit that he had also committed libel/ slander against the applicants. Similar statements have also been made by the other originators namely the 6th and 9th respondents. He would further submit that the defense of the respondents 1 & 2 in the counter statement is that such statements have been made only of the earlier incidents. He would submit that such statements made by them are only to wriggle out of the liability under the suit. He would submit that the defenses such as true, fair comments and privilege cannot come to the aid of the respondents as there is no truth in the statement and the comment made by



them are also beyond the realm of fair comment.

WEB COPY

6. He would further rely upon the judgments of the Hon'ble Apex Court in the case of ***R.Rajagopal Vs State of Tamil Nadu*** reported in ***(1994) 6 SCC 632*** would contend that the applicants have a right of privacy and reputation which cannot be allowed to be defamed by the respondents. Relying upon the judgment of the Hon'ble Apex Court in the case of ***Subramanian Swamy Vs. Union of India*** reported in ***(2016) 7 SCC 221***, he would submit that the right of the respondents to freedom of speech under Article 19(1)(a) of Constitution is circumscribed to the restrictions placed under Article 19(2). He would further submit that the onus of the two ingredients in a defense of defamation is on the respondent and that the averments made in the support of the counter affidavit do not support the truth made in the statements. Referring to the judgment of the Hon'ble Apex Court in the case of Sahara India ***Real Estate Corporation Ltd., Vs Securities and Exchange Board of India and Another*** reported in ***(2012) 10 SCC 603***, he would contend that the judicial decisions in India support the *Doctrine of Prior restraint*.

7. Mr.P.T.Perumal, learned counsel appearing for the first respondent on



the other hand would contend that the suit itself is hit by the principles of Order II Rule 2. He would submit that the second applicant had already filed

the suit in C.S.No.124 of 2020 which also relates to the very same issue.

Hence, at the outset he would submit that the injunction applications would all have to be rejected. He would further contend that the suit suffers from the wise of misjoinder of parties and misjoinder of cause of action. He would submit that eight different suits should have been filed for the cause of actions that had been raised by the applicants. Hence, when the plaint itself being inherently defective, no injunction can be granted. He would further submit that the first applicant being a politician cannot claim reputation as a matter of presumption and in public life, the reputation and privacy are not sacrosanct.

8. He would submit that the statement made in the plaint that he is a law abiding citizen and that there are no criminal case pending against the second applicant itself is false. He would submit that the second applicant had been convicted for offence of rash and negligent driving which lead to causing of grievance injuries and death in C.C.No.74 of 2022 on the file of the Judicial Magistrate, Avinash, hence, such statement would amount to perjury and the applicant cannot be given protection by this Court. The attempts that have



been made by the applicant in the present suit is only to silence the first respondent who is an Investigation Journalist. That apart, he would submit that the applicants are selectively prosecuting the respondents alone but is allowing others to continue making such similar remarks. He would submit that the second applicant had been involved in a rash and negligent case which itself was under an investigation in a suspicious manner. The truth had not been unfolded in the said incident. He would submit that the sexual assault case is only a continuation of the said incident. Therefore, he had not made any fresh statement for the applicants to institute the suit and utmost he could amend the plaint in the earlier suit for additional damages and the present suit is not maintainable. He would further submit that there has been no comments on the verdict made by the first respondent. He had only spoken that had a proper investigation been conducted, the second applicant would have been roped in as an accused in the said case. He would submit that only at the instance of the first respondent, the entire investigation began in the sexual assault case and the present statements made by the first respondent is to only bring about his doubts in the investigation. Had the investigation been made also against the second applicant much truth would have come to light. He would further contend that there is no factual/ legal malice and that the comments were based



on public domain information.

WEB COPY

9. He would further submit that the politicians like the applicant cannot claim reputation as a matter of presumption. At a given point of time, such reputation would fall to the ground. He would reiterate that what was his statements during the said interview was only a throw back of the past and his appreciation of the investigating agency, the witness and the local Bar members and the Public Prosecutor of the Court. He would further submit that there are no actual malice in the respondent in making such statements and if an injunction as prayed for that too particularly in the present suit which is in the nature of the SLAPP suit, it will not only affect the constitutional rights of the respondent but also would affect the public at large who look forward to the investigating journalism of the respondent. He would also draw attention of this Court in refusing to grant injunction in an earlier suit to contend that there will be no injury that would be caused to the applicant.

10. He would further rely upon the judgments of the Jammu & Kashmir High Court in the case of *Fayaz Ahd Kaloo Vs Ali Md Rather* reported in **2015 (3) J.K.J 94** to contend that the applicant should not be permitted to



selectively prosecute the respondents in a suit for defamation when many other persons who has also made such statements are left free . For the very same preposition, he had also relied upon the judgement of this Court in the case of **CDJ 2012 MHC 276**.

11.Further relying upon the judgment of the Delhi High Court in the case of **2005 (15) ILR-DLH-1500**, he would contend that when statements are based on documents, the right to speech and expression envisaged under Constitution would also include the right to express the opinion in the media and that the media has an effective role to play in the Country. The respondents therefore, ought not to be restrained by an order of injunction as prayed for by the applicant.

12. Referring to the judgment in the case of **Sunil Baghel Vs State of Maharashtra** reported in **2018 Cr.L.J. 4298**, he would submit that the media has its own right to freedom of expression and the same is protected under Article 19(1)(a) which serves a larger public interest. Relying upon the judgment of the Hon'ble Apex Court in the case of **R.Rajagopal V.State of Tamil Nadu** reported in **(1994) 6 SCC 632**, he would contend that the



statement made by the respondents do not invade the privacy of the applicants but only speaks about the public life for which he has a right to publish being an investigative journalist. Further, relying upon the judgment of the Hon'ble Apex Court in the case of ***Bloomberg Television Production Services India Private Limited & Others Vs Zee Entertainment Enterprises Limited*** reported in 2025 (1) SCC 741, he would submit that this nature of the suit falls within the category of SLAPP suits and therefore, injunction should not be granted.

13. Mr.R.Thirumoorthy, learned counsel appearing for the second respondent would at the outset submit that the Court should not grant a pre-trial injunction when the same is the main relief sought for in the suit. He would further submit that there has been no materials placed as against the second respondent in making the defamatory or derogatory statements.

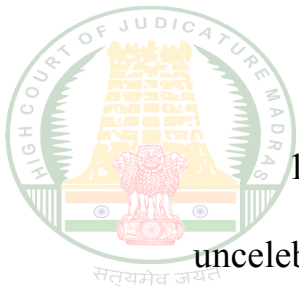
14. He would further submit that in a criminal case, even though ended in acquittal or conviction of some of the accused, the same could be reopened at any stage if new evidences come against the involvement of other persons. He would submit that there is a connection between the car accident in which



the second applicant had been convicted and the sexual assault case. He would further submit that the viewership of the statements made by the respondent had not been given to substantiate the claim that there was a loss of reputation. He would reiterate that in a defamation suit without the defamation being proved injunction should not be granted.

15. Learned counsel appearing for the fifth defendant would contend that he is a stranger to the present suit and had been unnecessarily arrayed as a party. He would submit that the assumption on the side of the applicants that the YouTube Channel namely IBC Tamil in which the statements were carried out predominantly by the fifth defendant. But in fact the you tube channel which broadcast the video is completely different entity from the fifth defendant. Hence, he prays this Court to dismiss the prayer as against the fifth defendant and consequently discharge the fifth defendant from the present suit.

16. I have considered the submissions made by the learned counsel appearing on either side and perused the materials available on record before this Court.



17. It is the claim of the applicants that after conviction in an uncelebrated sexual assault case, the originators had been making statement that the second applicant who is the son of the first applicant should also have been convicted. It is his further case that the statements of the originators are that the first applicant has been politically influential who had also held the post of Deputy Speaker, was instrumental in the name of the second applicant is not being added as an accused in the said case.

18. It is the claim of the first respondent that he had been instrumental in bringing to book the offenders of the sexual assault victims as he being an Investigating Journalist. The second respondent who was also an originator had stated that what was available in the social media was only spoken by him and the same cannot be termed as defamatory or derogatory. The other originators namely the respondents 6 & 9 are yet to be served in the application.

19. Various statements made by the respondents would indicate that the second applicant was involved in a car accident and that at the influence of the first applicant, the second applicant had not been implicated as an accused in



the sexual assault case. It is true that the statements made by the first respondent all deal with the occurrences pre-registration of the case of the sexual assault. When an independent agency had investigated the crime and have implicated various persons as accused in which the second applicant had not been shown as an accused, there will be no useful purpose in making a statements as against the applicants either of their involvement in the offence or their involvement in interfering with the investigation. Had there been any materials available with the first respondent which implicates the second applicant, it is his bounden duty to have informed the Investigating Agency of the involvement of the second applicant. If there had been an element of interference by the first applicant in the investigation then the first applicant would have also been roped in as an accused in the said case. Neither of this had happened nor had the first respondent taken any steps to place on record the materials available with them with the investigating agency for implicating the applicants.

20. A statement involving the applicants role in the case of which they were neither accused nor being called as an witness that too after the trial in the case is over and the judgment pronounced holding the named accused to



have committed the offence for which they have been convicted and sentenced, therefore, is without any basis. However, it would be open for him to make statements without involving the name of the applicants.

21. The claim of the second respondent is that the statements made by him were based on the materials available in the print and social media. When statements are made on the strength of their availability in the print and social media, it is the duty of the person who chooses to use such statement to personally verify the truth and veracity of such statement available in the print and the social media. No such averments had been made by the second respondent in his counter affidavit.

22. The sixth and the ninth defendants are yet to be served, but however this Court is *prima facie* satisfied that such statements made by them are not supported by any materials to fall within the exceptions of a statement not to be defamatory or derogatory. However, they are at liberty to approach this Court for modification of the order as against them.

23. This Court had also analysed the judgments relied upon by the



respective parties. It is true that the prepositions laid down in those judgments are well settled and cannot be disregarded. But, on the facts of this case, the trial in a case had been concluded by punishing the named accused on the investigation that had been made by a premier agency. The respondents have not shown any aspersions in the investigation or in the trial. Admittedly, the second applicant had not been made as an accused nor the first applicant had been made an accused in trying to the derail the investigation or protecting the second applicant from being arrayed as an accused. In such event, the principles laid down in the judgments relied upon by the respondents cannot be made applicable to the facts of the present case.

24. In fine, the applications are allowed and there shall be an order of injunction as prayed for. However, there shall be no order as to costs.

Index : Yes / No

Internet : Yes / No

Gba

(1/2)

26.08.2025



WEB COPY



O.A.No.529 & 530 of.

K.KUMARESH BABU.J.,

Gba

Pre-Delivery Order in
O.A.No.529 & 530 of 2025
in C.S.No.112 of 2025

26.08.2025
(1/2)