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CRL A No. 1392 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL A No. 1392 of 2025

1. Lavanya Kumari
W/o.K.Baskar, No.S F2, Plot No.1146,
Ramalinga Nagar, 1st Street, Kandan
Street, Urapakkam, Chennai

Appellant(s)

Vs

1. Baskar
S/o.Kotapatti Ramaiya, Plot
No.38/11/S2, Old
No.24/11/S2,Vanchinatham Main
Street, Perambur, Chennai

Respondent(s)

PRAYER

Criminal Appeal filed under Section 419 (4) of BNSS 2023, prays to set aside the judgement passed by the learned VII Metropolitan Magistrate, George Town, Chennai in C.C.No.2763/2019 dated 30.09.2024 and convict the respondent/accused for the charge under section 500 IPC.

For Appellant(s): Mr.S.Selva Thirumurugan

For Respondent: Mr.V.Meganathan,
Government Advocate (Crl.Side)

ORDER

The appellant has filed this appeal to set aside the judgement passed by the learned VII Metropolitan Magistrate, George Town, Chennai in C.C.No.2763/2019 dated 30.09.2024.



2. The learned counsel for the appellant contending that the respondent's husband made defamatory statements, thereby defaming the status of her parents. Consequently, she filed a complaint in C.C. No. 2763 of 2019 under Section 200 Cr.P.C., seeking to summon and punish the respondent under Section 500 IPC.

3. The respondent entered appearance and contested the proceedings. Upon consideration, the learned Trial Judge dismissed the complaint, holding that even assuming the allegation made by the respondent, that the parents of the petitioner were in a live-in relationship, to be true, such a statement would not amount to defamation, as live-in relationships are now accepted by society, in view of the principle laid down in *Kushboo vs. Kanniammal*. On this ground, the Trial Court dismissed the complaint. Further, the Trial Court held that the complainant failed to produce any material to establish the marriage between her father and mother and, therefore, there was no prima facie material to attract the offence of defamation against the respondent. Aggrieved by these findings, the present revision has been filed.

4. Before the Trial Court, it was an admitted fact that the complainant and the accused were husband and wife, and that the marriage between them was



declared null and void by an order passed in F.C.O.P. No. 271 of 2018. The principal contention of the complainant was that the allegations levelled by the accused in the counter statement were false and defamatory, particularly the statements made against the parents of the complainant, as follows:

“6..... Subsequently the complainant came to understand that the parents of the petitioner were married to different persons. Without obtaining the divorce from their respective spouses have chosen to live together as husband and wife and out of that live together, the petitioner and her brother were born to them.”

5. Challenging the said allegations, the complainant filed the present case alleging that the respondent committed the offence of defamation punishable under Section 500 IPC, seeking action for defaming her parents. However, even according to the findings of the Trial Court, there was no proof adduced by the complainant to establish that her parents were legally married or even living in a live-in relationship. In such circumstances, the alleged statements would not attract the offence of defamation, in light of the ratio laid down in Hon'ble Supreme Court cited supra in *Kushboo v. Kanniammal*, which was relied upon by the Trial Court at paragraph 29.

“Para 29. Even though the constitutional freedom of speech and expression is not absolute and can be subjected to reasonable restrictions on grounds such as decency and morality' among others, we must lay stress on the need to tolerate unpopular views in the



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socio-cultural space. The framers of our Constitution recognised the importance of safeguarding this right since the free flow of opinions and ideas is essential to sustain the collective life of the citizenry. While an informed citizenry is a pre-condition for meaningful governance in the political sense, we must also promote a culture of open dialogue when it comes to societal attitudes. Admittedly, the appellant's remarks did provoke a controversy since the acceptance of premarital sex and live-in relationships is viewed by some as an attack on the centrality of marriage. While there can be no doubt that in India, marriage is an important social institution, we must also keep our minds open to the fact that there are certain individuals or groups who do not hold the same view. To be sure, there are some indigenous groups within our country wherein sexual relations outside the marital setting are accepted as a normal occurrence. Even in the societal mainstream, there are a significant number of people who see nothing wrong in engaging in premarital sex. Notions of social morality are inherently subjective and the criminal law cannot be used as a means to unduly interfere with the domain of personal autonomy. Morality and Criminality are not co-extensive. In the present case, the substance of the controversy does not really touch on whether premarital sex is socially acceptable. Instead, the real issue of concern is the disproportionate response to the appellant's remarks. If the complainants vehemently disagreed with the appellant's views, then they should have contested her views through the news media or any other public platform, The law should not be used in a manner that has chilling effects on the freedom of speech and expression'. It would be apt to refer to the following observations made by this Court in *S. Rangarajan Vs. P. Jagjivan Ram and others* (1989) 2 SCC 574, which spell out the appropriate approach for examining the scope of reasonable restrictions' under Art. 19(2) of the Constitution that can be placed on the freedom of speech and expression."

6. The reasons assigned by the Trial Court are justifiable and do not warrant interference. There is no prima facie material to establish that



intentionally the respondent-husband committed defamatory acts against the parents of the petitioner. Hence, the petition is dismissed as devoid of merits.

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

1.Baskar

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2.The VII Metropolitan Magistrate,
George Town, Chennai.



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