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*Crl.O.P.No.8242 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 26.03.2026

Pronounced on: 07.04.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.8242 of 2023 and  
Crl.MP.Nos.5237 & 5238 of 2023

Vignesh.S @ Vicky Kannan

... Petitioner

Vs.

Elamparithi

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C. to call for the records in connection with CC.No.11750 of 2022 pending on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai against the petitioner and quash the same by invoking the inherent jurisdiction under Section 482 of Criminal Procedure Code.

For Petitioner : Mr.N.R.Elango,  
Senior Counsel  
for Mr.Arun Kasi

For Respondent : Mr.I.Romeo Roy Alfred

**ORDER**

This criminal original petition has been filed praying to quash the proceedings in CC.No.11750 of 2022 pending on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai against the petitioner.

Page 1 of 12



*Crl.O.P.No.8242 of 2023*

2. The respondent filed a private complaint alleging that the petitioner has deliberately involved in malicious, reckless defamatory publications against him in multiple public platforms including YouTube interviews and Facebook posts using abusive and scandalous expressions. The petitioner also made allegations against the respondent that he has criminal antecedents without any lawful adjudication. It was alleged that the respondent falsely represented himself as Professor and thereby misled the Government as if he pursued Master Degree in Criminology Department at Madras University and is also pursuing Ph.D. in the said University. On the complaint, the trial court had taken cognizance for the offence punishable under Sections 499, 500 IPC & 120 B of IPC and issued summons.

3. The learned Senior Counsel appearing for the petitioner submits that the petitioner is a journalist in a YouTube channel named 'Desathin Kural' and he is also a coordinator of all Tamil Nadu Students Association. In the month of October 2021, the respondent was appointed as a member of Srilinkan Tamils Welfare Committee. The respondent falsely represented himself as Doctorate without even completing Ph.D. The petitioner had written an article with regards to the fraudulent nature of the respondent with necessary evidences on a Facebook page in the

Page 2 of 12



*Crl.O.P.No.8242 of 2023*

public interest. The article was published by the petitioner about the respondent as if the persons who were victimised by the respondent approached the petitioner and confronted about his fraudulent nature and due to which there are complaints against him with the allegation of cheating. Therefore, the petitioner published the article in his Facebook page to protect the public interest that no innocent persons should be cheated by the respondent in future. Hence, it would not amount to any defamation since it is coming under the exceptions of the provision under Section 499 of IPC.

4. Per contra, the learned counsel for the respondent submitted that the entire allegations levelled against the petitioner discloses clear and specific ingredients to attract the offence under Section 500 of IPC. After recording the sworn statement and also all the materials produced by the respondent, the trial court has rightly taken cognizance and the grounds raised by the petitioner can be considered only before the trial court by the letting in evidence. The petitioner had deliberately involved in malicious, reckless and defamatory publications against the respondent in multiple public platforms. The petitioner fraudulently alleged that criminal cases have been registered against the respondent. There is absolutely no material to prove that criminal cases have been registered

Page 3 of 12



*Crl.O.P.No.8242 of 2023*

against the respondent. Mere receipt of complainants and issuance of CSR Nos. would not amount to registration of FIR. The persons who stated in the YouTube that they were cheated by the respondent, are facing criminal prosecutions. Therefore, no exception is available for the petitioner. In order to invoke the First exception to Section 499 of IPC, the petitioner must prove truth and public good. Whether the imputations are proved and whether publication was for public good are the questions of fact and the same require evidence before the trial court. Therefore, the same cannot be considered under Section 482 of Cr.P.C. to quash the entire proceedings. Further, whether the petitioner acted in good faith under the Ninth exception would be a question to be considered on the facts and circumstances of the case during trial. Good faith requires due care and attention. Therefore, reckless publication of unverified allegations coupled with abusive language negates good faith. Therefore, burden of proving good faith lies upon the petitioner and the same can be established only during trial before the trial court. As such, he prayed for dismissal of this quash petition.

5. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court.



*Crl.O.P.No.8242 of 2023*

6. The crux of the complaint lodged by the respondent is that the petitioner had deliberately indulged in malicious, reckless and defamatory publication against the respondent in multiple public platforms without any piece of evidence. The petitioner is a journalist in a YouTube channel and he is also a coordinator of All Tamilnadu Students Association. Admittedly, the respondent was appointed as a member of Tamil Welfare Committee by GO.Ms.No.902 dated 25.10.2021 by the Government of Tamilnadu. On perusal of the averments made in the YouTube channel, it is revealed that the petitioner had stated that the respondent falsely represented himself as a person who holds a doctoral degree. But the respondent did not complete his doctoral degree. Admittedly several complaints were lodged against the respondent. In those complaints, FIR was not registered and the complainants were issued CSR numbers and enquiry was conducted. Therefore, in order to safeguard the general public, the petitioner published news in his Facebook page in order to protect the interest of public with an intention that no innocent person should be cheated and no innocent person should be victimised. Further, students organisation had lodged a detailed complaint to the Chief Minister's Special Cell requesting for removal of the respondent from the Advisory Committee alleging that the respondent had misrepresented himself as a doctoral holder without even completing

Page 5 of 12



Crl.O.P.No.8242 of 2023

his Ph.D. Further, the respondent lodged complaint and sought for direction under Section 156(3) of Cr.P.C. before the Chief Metropolitan Magistrate, Egmore, Chennai. It was dismissed by an order dated 02.02.2022 with observation that the complaint has no grounds for registration of FIR against the petitioner. Thereafter, the respondent filed the present private complaint and the same has been taken cognizance by the trial court.

7. Now the point for consideration in this petition is that whether the petitioner had intention or motive or personal interest to defame the respondent in the public domain. It is relevant to extract the provisions under Section 499 of IPC as follows:

**499. Defamation**

*Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter expected, to defame that person.*

8. The petitioner published an article about the respondent on his Facebook page and also submitted a detailed complaint with the very same allegations to the Tamilnadu Cheif Minister's Special Cell. Further,



Crl.O.P.No.8242 of 2023

the petitioner also had send a representation to the Registrar and the Vice Chancellor of University of Madras to take appropriate action against the respondent alleging that the respondent misrepresented himself as a doctoral holder. Therefore, the complaint was preferred in good faith to the authority concerned. It is relevant to extract the First Exception to Section 499 of IPC hereunder:

*First Exception.— Imputation of truth which public good requires to be made or published.— It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.*

9. The petitioner published an article on his Facebook page against the respondent for public good and in the public interest. Admittedly there are several complaints against the respondent pending for investigation. It comes under the Eighth Exception to Section 499 of IPC. It is relevant to extract the Eighth Exception to Section 499 of IPC hereunder:

*Eighth Exception.— Accusation preferred in good faith to authorised person.— It is not defamation to prefer in good faith an accusation against any person to any of those who*



Crl.O.P.No.8242 of 2023

*have lawful authority over that person with respect to the subject-matter of accusation.*

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10. The petitioner published an article on his Facebook page against the respondent and it is made for a public good and for the reason that no one should be victimised by the respondent. Therefore, it comes under the Ninth exception to the provisions under Section 499 of IPC. It is relevant to extract the Ninth exception to the provisions under Section 499 of IPC hereunder:

*Ninth Exception - Imputation made in good faith by person for protection of his or other's interests:*

*It is not defamation to make an imputation on the character of another provided that the imputation be made in good faith for the protection of the interests of the person making it, or of any other person, or for the public good.*

11. Further, the trial court had taken cognizance of the complaint lodged by the respondent without stating any reason to summon the accused. In this regard, it is relevant to rely upon the judgment of the Hon'ble Supreme Court of India in the case of ***Pepsi Foods Ltd. Vs. Special Judicial Magistrate*** reported in ***(1998) 5 SCC 749***, wherein it is held as follows:



Crl.O.P.No.8242 of 2023

*Summoning of an accused in a criminal case is a serious matter. Criminal law cannot be set into motion as a matter of course. It is not that the complainant has to bring only two witnesses to support his allegations in the complaint to have the criminal law set into motion. The order of the magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto. He has to examine the nature of allegations made in the complaint and the evidence both oral and documentary in support thereof and would that be sufficient for the complainant to succeed in bringing charge home to the accused. It is not that the Magistrate is a silent spectator at the time of recording of preliminary evidence before summoning of the accused. Magistrate has to carefully scrutinise the evidence brought on record and may even himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise and then examine if any offence is prima facie committed by all or any of the accused.*

12. Also, in the case of ***Madhavarao Jiwajirao Scindia Vs. Sambhajirao Chandrojirao Angre*** reported in (1988) 1 SCC 692, the Hon'ble Supreme Court held as follows:

*The legal position is well-settled that when a prosecution at the initial stage is asked to be quashed, the*



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Crl.O.P.No.8242 of 2023

*test to be applied by the court is as to whether the uncontroverted allegations as made prima facie establish the offence. It is also for the court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. This is so on the basis that the court cannot be utilised for any oblique purpose and where in the opinion of the court chances of an ultimate conviction is bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may while taking into consideration the special facts of a case also quash the proceeding even though it may be at a preliminary stage.*

13. Therefore, there is no *prima facie* case for the offence under Section 499 of IPC against the petitioner and all the allegations contained in the complaint are referable to the allegations made by the petitioner and no purpose would be served by relegating the petitioner to face a long and arduous trial . Further, the entire complaint is neither vindictive of any person's right nor is it an offence involving moral turpitude. That apart, it is also not an offence against the society. It is purely a speculative publicity-seeking private complaint where the chances of ultimate conviction are very bleak and therefore no useful purpose is likely to be served by allowing the prosecution to continue. Hence, the entire

Page 10 of 12



*Crl.O.P.No.8242 of 2023*

impugned proceedings cannot be sustained and the same is liable to be quashed.

14. Accordingly, the entire proceedings in CC.No.11750 of 2022 pending on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai is quashed and this criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

07.04.2026

Index : Yes/No  
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*Crl.O.P.No.8242 of 2023*

**G.K.ILANTHIRAIYAN, J.**

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To

Chief Metropolitan Magistrate Court, Egmore, Chennai

Crl.O.P.No.8242 of 2023

07.04.2026