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CrI.O.P.No.33456 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.33456 of 2025

63 Moons Technologies Limited,
Represented by its Authorized Signatory,
D.John Dheepak,
having its registered office at Shakti Tower -II, 4th Floor,
J-766, Anna Salai, Thousand Lights,
Chennai – 600 002.

... Petitioner

Vs.

1. Slowform Holdings Limited,
Represented by its Director Ashish Kumar Mishra,
Having its registered office at:
86-90, Paul Street, London,
England, EC2A 4NE.
2. Slowform Media Private Limited,
Represented by its Director Priya Bubna,
Having its registered office at:
E-210, Floor 2, H-16, MHADA Buildings,
Ion Transit Camp Road,
Pratiksha Nagar, Mumbai,
Maharashtra, India – 400 022.
3. Ashish K Mishra
4. Priya Bubna
5. Harveen Ahluwalia



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6. Surendar Thirumoorthy

7. Muskaan Gupta

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to set aside the return docket order dated 31.10.2025 passed by the learned 14th Metropolitan Magistrate, Chennai and consequently direct the learned 14th Metropolitan Magistrate, Chennai, to number and take cognizance of the complaint bearing C.C.SR.No.48580 of 2025 filed by the petitioner/complainant herein under Sections 222 r/w 223 of the BNSS and dispose the same expeditiously.

For Petitioner : Mr.P.H.Arvind Pandian, Senior Advocate
Assisted by, Mr.Vaibhav R Venkatesh

ORDER

The present Criminal Original Petition has been filed seeking to set aside the docket order dated 31.10.2025 passed by the learned 14th Metropolitan Magistrate, Chennai, returning the petitioner's complaint bearing C.C.SR.No.48580 of 2025 and to direct the learned Magistrate to take cognizance of the same and dispose of it expeditiously.

2. The brief facts of the case are as follows:-

2.1. The petitioner filed a complaint under Sections 222 r/w 223 of the BNSS against the respondents for commission of offences under



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Sections 356(1), 356(2) and 356(3) of the BNS, in respect of the publication of a defamatory article in the public domain on the website of the Morning Context.

2.2. The learned Magistrate returned the complaint on 31.10.2025 stating as follows:

“In the Morning Context Indian edition, the fair usage policy mentions about the jurisdiction as follows:

“Any dispute, controversy, or claim arising out of or relating to these terms, your use of the TMC Platforms, or the Content, shall be subject to the exclusive jurisdiction of the courts located in Mumbai, Maharashtra, India. You hereby irrevocably consent to the personal jurisdiction of such courts and waive any objection to the laying of venue in such courts”

Hence this complaint is to be field within the proper jurisdictional court. Hence returned.”

2.3. Thereafter, when the petitioner/complainant re-presented the complaint on 03.11.2025, it was adjourned on 10.11.2025 and on 10.11.2025, the complaint was once again returned with the endorsement “On the perusal of the case papers it is found that this complaint is to be filed before the proper jurisdiction court. Hence returned.” Challenging the said return order, the present petition has been filed.



3. The submissions of the learned Senior Counsel appearing for the petitioner are as follows:-

3.1. The Morning Context is a digital news platform and though it has its office at Mumbai, the defamatory article was published world wide and was viewed by several persons, including shareholders of the petitioner/complainant company. Consequently, the reputation of the petitioner company has been gravely damaged by such publication.

3.2. The petitioner/complainant has its office at Chennai and therefore, the Courts within Chennai have jurisdiction to entertain the complaint.

3.3. The fair usage policy relied upon by the accused is not applicable to criminal proceedings and can be applied only in respect of contractual and copyright matters. Admittedly, the office of the accused is situated at Mumbai and the fair usage policy provides for exclusive jurisdiction of the Courts located at Mumbai, Maharashtra, India. However, the publication was viewed by the persons within Chennai and hence, the consequences of the alleged offence ensued within the jurisdiction of Chennai.

3.4. As per Section 199 of BNSS, since the consequence of the defamatory article ensued within whose local jurisdiction of Chennai,



the Courts at Chennai have jurisdiction to entertain the complaint. Though the publication has been made at Mumbai, it was witnessed by several persons in Chennai, thereby, the offence was committed within the jurisdiction of this Court. Accordingly, the Court has territorial jurisdiction to take the complaint on file and to proceed in accordance with law.

4. In support of his contentions, the learned Senior Counsel appearing for the petitioner relied upon the judgment of the Hon'ble Apex Court in *Subhiksha Trading Services Ltd. & Anr. vs. Azim H.Premji*, reported in (2011) SCC OnLine Mad 395.

5. The relevant portion of the judgment of the Hon'ble Apex Court in *Subhiksha Trading Services Ltd.(supra)* is extracted hereunder:-

“23. In the light of the above said fact, this Court comes to the conclusion that the contention raised on behalf of the respondent that the petitioners were not able to produce prima facie materials regarding the publication of the alleged defamatory statement within the jurisdiction of the Court below deserves to be rejected as untenable. Since the petitioners have produced the Chennai edition of Economic Times also, it cannot be now contended that no prima facie material has been produced to show that the publication of the interview given by the respondent to Economic Times was also made in Chennai.



24. *Insofar as the commission of the offence of defamation is concerned in State of Madhya Pradesh v. Suresh Kaushal, reported in (2003) 11 SCC 126 : (2001 AIR SCW 4587), the Hon'ble Apex Court, while interpreting Section 179 of the Criminal Procedure Code, has made the following observations:*

—

“The above Section contemplates two Courts having jurisdiction and the trial is permitted to take place in any one of those two Courts. One is the Court within whose local jurisdiction the act has been done and the other is the Court within whose local jurisdiction the consequence has ensued. When the allegation is that the miscarriage took place at Jabalpur, it cannot be contended that the Court at Jabalpur could not have acquired jurisdiction as the acts alleged against the accused took place at Indore.

25. *In Shaukatali Ibrahim Rangrez v. Mohommad Siraj, reported in 1997 Cri. LJ 1352, a learned, single Judge of Bombay High Court (Aurangabad Bench) held that if a defamatory utterance is made at one place and the complainant is defamed at another place where he was residing, the Court exercising over that place will also have a jurisdiction to try the offence.*

26. *In S. Bangarappa v. Ganesh Narayan Hegde, reported in 1984 Cri LJ 1618, Karnataka High Court held where the alleged defamatory statement was made by the accused in die press conference at place ‘B’ and the same was published in the evening newspaper “Sanje Vani” on the same day at ‘B’ and in the daily newspaper “Samyukta Kamataka” in the early hours of the very next day at place “H”, it should be held that the Court at that place had the jurisdiction to try the offence of defamation. It was held therein that once the consequence of publication has taken place at a place, it could not be said that the Court at that place had no jurisdiction to try the said offence.*



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27. Relying on the said judgment of the Kamataka High Court, the Mumbai High Court in the abovesaid case (Shaukatali Case) held that since consequences of the utterances resulted in the defamation of the complainant and prevention of his son's marriage at the place other than the place wherein the utterances were made, the second place, namely the place wherein it resulted in his defamation and prevention of his son's marriage, should be construed to be the place wherein the consequence of the defamatory utterances ensued and the Court having jurisdiction over that place would be competent to entertain the complaint.

28. The Delhi High Court also in *Dr. Ashish Nandy v. State of Gujarat*, reported in 2010 DHC 1328, referring to the observations made by the Supreme Court in *State of M.P. v. Suresh Kaushal*, reported in (2003) 11 SCC 126 : (2001 AIR SCW 4587) held that when an article was written in Delhi and handed over to a newspaper in Delhi, it would amount to defamation committed in Gujarat, if such newspaper was proved to be in circulation in Gujarat or that any one in Gujarat could have read that article. The Court made an observation therein that a person sitting in a studio in Delhi might make an inflammatory speech on television or he might give an article for publication to a newspaper having all India circulation, but if the consequence of such speech or the article were visited at a distant place or in another State, registration of the FIR in such a place or in such a State was not without jurisdiction.

29. In *Dr. Subramaniam Swamy v. Prabhakar*, reported in 1984 Cri LJ 1329, Bombay High Court held that the accused therein viz., Dr. Subramaniam Swamy, could be prosecuted for the offence of defamation before the Additional Chief Metropolitan Magistrate, 19th Court, Esplanade, Bombay for the act done by him at Chandigah, namely addressing a press



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conference intending that his views would be published throughout India. The relevant part of the judgment is found in paragraph 9, which is extracted hereunder;—

“Now it has been admitted that a part of the act is done by the petitioner-accused at Chandigarh, namely, addressing a press conference and intending that all the reporters, press representatives and others should publish his views and news in the press throughout India. Calling a press conference by the petitioner is not seriously disputed. The very purpose and design to call a press conference is to express one's views before press representatives with an object that it will be given the widest publicity by the press so that a large number of people and readers should read it and know about his views and his thoughts. The Indian Express in which the impugned news item is published is circulated and read in the City of Bombay where the complainant resides. In my view, the consequence of the statement made at Chandigarh has been completed at Bombay by circulation of the said newspapers, and, therefore, the offence of defamation is complete in the City of Bombay. In view of the provisions of S. 179 of the Criminal Procedure Code both the Courts, at Chandigarh and at Bombay, will have jurisdiction to entertain a complaint under Section 500 of the Penal Code, 1860. It is, therefore, this petition deserves to be dismissed.

30. The facts of the said case squarely applies to the case on hand. The respondent is said to have given an interview to the Newspaper “Economic Times” intending it to be published and to be read by public. Therefore, though the act of making the defamatory statement during the interview was done at a place outside the jurisdiction of the Court below, it has been alleged that its consequence of defaming the petitioners herein ensued within the jurisdiction of the Court below, as the said



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newspaper was found circulated in Chennai, besides the fact that the Newspaper does have a Chennai edition also. It has also been clearly averred the fact that not only in the print but also in the internet edition interview was published. In addition to the same, when a publication is made in the internet edition of a newspaper, anybody at a remote place in the country, at the stroke of a button, may come across the statement and form opinion against the petitioner. In that sense also, the petitioners have made clear averments regarding the jurisdictional fact to the effect that the publication was effected within the jurisdiction of the Court below and hence the Court below has jurisdiction to entertain the complaint. Without properly considering the abovesaid aspect that in the case of an interview to press, though the act of giving interview takes place at one place, its consequences ensue in the places of circulation of the newspaper and hence a prosecution for such statement, if defamatory, can be launched in the Courts exercising jurisdiction over any one of the places wherein such circulation is made, the learned XVIIH Metropolitan Magistrate, erroneously held that his Court did not have the jurisdiction to entertain the complaint. The said finding of the Court below deserves to be disapproved.

31. The next reason assigned by the Court below for holding that it does not have jurisdiction to entertain the complaint is that the publisher of the newspaper was not made a party/accused. It is not necessary that the publisher should also be made a co-accused for prosecuting an author of the statement. If at all a statement was made to any person, another person without any intention and without the knowledge that it would be published and such other person publishes it, then there may be a scope for the author of the statement to take such a defence, but the same can be decided only in the trial. But, when an interview to the press is given, it shall be obvious that the person giving the interview intends that it should be published or at least has got knowledge that it is going to be



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published. In that sense, making of an interview to the media results in the consequence of publication in the places wherein the newspaper is circulated. Therefore, for the consequence of the alleged act of the respondent that ensued within the jurisdiction of the Court below, he can be tried in the Court below and the decision of the Court below that it does not have jurisdiction because the publisher was not made a party accused, is erroneous and legally unsustainable.”

6. Since the issue is between the Court and the petitioner/complainant, this Court is of the view that issuance of notice to the respondents is not necessary.

7. Having heard the learned Senior Counsel appearing for the petitioner and upon perusal of the materials available on record, this Court is of the considered view that though the alleged offending article was published in Mumbai, it was viewed by persons in Chennai. Therefore, the Courts at Chennai do have jurisdiction. Accordingly, this Court is inclined to set aside the docket order of return dated 31.10.2025.

8. In view of the above, the Criminal Original Petition is allowed. The docket order of return dated 31.10.2025 passed by the 14th Metropolitan Magistrate, Chennai, in C.C.Sr.No.48580 of 2025, is hereby set aside. The learned 14th Metropolitan Magistrate, Chennai, is directed to

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take the complaint on file and proceed in accordance with Chapter XVI of

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07.01.2026

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Neutral Citation: Yes/No

Note: Registry is directed to return the original papers to the
counsel for the petitioner forthwith to enable him
to represent before the trial Court.

To

The 14th Metropolitan Magistrate, Chennai.



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A.D.JAGADISH CHANDIRA, J.

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