



2026:KER:57330

CRL.MC NO. 8901 OF 2022

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

WEDNESDAY, THE 29TH DAY OF JULY 2026 / 7TH SRAVANA, 1948

CRL.MC NO. 8901 OF 2022

AGAINST THE ORDER/JUDGMENT DATED IN CC NO.487 OF 2019
OF JUDICIAL FIRST CLASS MAGISTRATE-V, ERNAKULAM

PETITIONERS/ACCUSED 1, 2 & 3:

- 1 M/S ASIANET NEWS NETWORK PVT LTD,
OPPOSITE FIRE STATION, HOUSING BOARD JUNCTION,
THAMBANOOR, TRIVANDRUM REPRESENTED BY ITS MANAGING
DIRECTOR, PIN - 695001
- 2 ABHILASH G NAIR,
BUREAU CHIEF, ASIANET NEWS, M/S ASIANET NEWS
NETWORK PVT LTD,NH 47, BYEPASS, PALARIVATTOM P.O
ERNAKULAM, KOCHI, PIN - 682025
- 3 JOSHI KURIAN,
EDITOR, ASIANET NEWS, M/S ASIANET NEWS NETWORK PVT
LTD,NH 47, BYEPASS, PALARIVATTOM P.O,ERNAKULAM,
KOCHI, PIN - 682025

BY ADVS.
SRI.V.V.NANDAGOPAL NAMBIAR
SMT.CHITRA JOHNSON
SMT.SMITHA (EZHUPUNNA)

RESPONDENTS/ DE FACTO COMPLAINANT:

- 1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF



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KERALA, PIN - 682031

2 GEORGE THOMAS,
S/O GEORGE THOMAS, NO. 53, ‘NOEL PALMDALE'
RAJAGIRI VILLAGE POST, KAKKANADU, ERNAKULAM,
KOCHI, PIN - 682039

BY ADV PUBLIC PROSECUTOR

OTHER PRESENT:

PP.SRI.DEVADAS H. MALLAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29.07.2026, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:



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C.S.DIAS, J.**CRL.MC No.8901 OF 2022****Dated this the 29th day of July, 2026****ORDER**

The petitioners are accused Nos. 1 to 3 in C.C. No.487/2019 on the file of the Court of the Judicial First-Class Magistrate-I, Ernakulam (for brevity, "Trial Court"). The prosecution arises from a private complaint filed by the second respondent alleging the commission of offences punishable under Sections 500 and 501 read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC").

2. The petitioners have filed this Criminal Miscellaneous Case to quash the complaint, inter alia, contenting that, even if the allegations in the complaint are accepted at their face value, the ingredients to



constitute the alleged offences are absent. The first petitioner is a television news network; the second petitioner is its Bureau Chief and the third petitioner is its Editor. According to the petitioners, on 11.10.2012, the fourth accused convened a press conference in the presence of accused Nos.5 and 6, during which she levelled certain allegations against the second respondent. Like several other television channels, the first petitioner merely telecast the press conference in the ordinary course of its news broadcasting functions. The petitioners assert that they neither participated in the press conference nor exercised any control over the statements made. The address was made by the fourth accused, and the petitioners had no prior knowledge of the contents of the speech that the fourth accused proposed to speak. The second respondent is a complete stranger to the petitioners and that they had absolutely no motive or intention to injure his reputation or to



malign his character. The indispensable element of mens rea required to constitute the offence of defamation is absent. The petitioners further contend that the second respondent has not extracted or reproduced the alleged defamatory imputation in the complaint, which is a mandatory requirement in a prosecution for criminal defamation. The Trial Court has taken cognizance of the offences without any application of mind. The continuation of the prosecution is an abuse of the process of the law. Hence, the proceedings may be quashed.

3. I have heard the learned counsel for the petitioners, and the learned Public Prosecutor. Although notice has been declared served on the second respondent, he has chosen not to contest the proceedings.

4. The substance of the allegations in the complaint is that the second respondent was proposing



to establish an educational institution in Ernakulam following a German curriculum. The fourth accused is stated to have approached him seeking appointment as the Director of the proposed institution by representing that she possessed the approval of the German Government for establishing schools imparting German education in foreign countries and that she had considerable experience in the management of such institutions. Trusting the said representations, the second respondent associated with the fourth accused. However, disputes arose between them. It is further alleged that, on 11.10.2012, the second respondent and his family members saw a news broadcast telecast by the first petitioner showing the photographs of the second respondent and reporting that he had cheated the fourth accused of several crores of rupees. It was also alleged that accused Nos. 2 and 3 caused the news item to be broadcasted. The telecast allegedly portrayed



the second respondent as a person wielding political influence who had absconded after committing serious acts of cheating. According to the second respondent, the broadcast was false and has gravely tarnished his reputation and that of his family in the eyes of society.

5. A careful reading of the allegations in the complaint reveal that the specific allegations concerning the making of the imputation in the press conference are levelled against the fourth accused, with whom the second respondent admittedly had prior business transactions. Significantly, there is no allegation in the complaint that the petitioners themselves authored, uttered or independently published any defamatory statement against the second respondent. The only allegation levelled against the petitioners is that they telecast the press conference through their news channel. Equally important is the omission to set out the substance of the defamatory imputation allegedly



broadcasted. The complaint merely makes a general allegation that a defamatory news item was telecast, without stating the exact words or imputations that are said to constitute the offences. Such omission assumes considerable legal consequence in a prosecution founded upon criminal defamation.

6. The materials placed on record disclose that the first petitioner is a media organisation engaged in news broadcasting, while petitioners 2 and 3 were functioning respectively as its Bureau Chief and Editor. Even assuming that the petitioners were aware that the fourth accused intended to address a press conference, such awareness cannot, by any acceptable standard of criminal jurisprudence, be equated with prior knowledge of the precise contents of the speech. A broadcaster covering a press conference cannot ordinarily be presumed to have anticipated what the speaker is going to speak. Unless the complaint



specifically attributes the requisite criminal intention or active participation in the publication of the alleged defamatory imputation, the mere act of telecasting a press conference, without anything more, cannot automatically attract criminal liability for defamation.

7. Before examining the rival contentions, it is apposite to extract Section 499 of the Indian Penal Code, which defines the offence of defamation.

“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 excepted, to defame that person.

Explanation 4.—No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.”

8. A careful reading of the above provision leaves no room for doubt that every publication resulting in criticism or adverse comment does not



amount to criminal defamation. To constitute the offence, the prosecution must prima facie establish that the accused had made or published an imputation concerning another person with the intention of harming his reputation, or with the knowledge or reasonable belief that such publication would have that consequence. Thus, the gravamen of the offence lies not merely in the publication of an imputation, but in the existence of the requisite mental element accompanying such publication.

9. Explanation 4 appended to Section 499 further elucidates the concept of injury to reputation. An imputation can be characterised as defamatory only if, in the estimation of reasonable members of society, it has the tendency to diminish the moral or intellectual character of a person, impair his social standing, lower his professional or financial credibility, or create an impression that he is in a disgraceful or contemptible



condition. The standard to be applied is not that of a hypersensitive individual, but that of an ordinary prudent person possessing normal standards of judgment and common sense. The Court must, therefore, ascertain whether the impugned publication, viewed objectively and in its proper context, is capable of lowering the complainant's reputation in the estimation of right-thinking members of society.

10. It is also indispensable that the requisite mens rea exists. A prosecution under Section 499 of the IPC cannot be sustained merely because a statement is alleged to have affected the complainant's reputation. The complaint must contain specific averments disclosing that the accused made or published the imputation with the intention to harm the complainant's reputation, or at least with the knowledge or reasonable belief that such consequence would ensue.

11. While interpreting the scope and ingredients



of Section 499 of the IPC in **Jeffrey J. Diermeier and Another v. State of W.B. and Another** [(2010) 6 SCC 243], the Hon'ble Supreme Court held thus:

"29. To constitute 'defamation' under Section 499 IPC, there must be an imputation, and such imputation must have been made with the intention of harming or knowing or having reason to believe that it will harm the reputation of the person about whom it is made. In essence, the offence of defamation is the harm caused to the reputation of a person. It would be sufficient to show that the accused intended or knew or had reason to believe that the imputation made by him would harm the reputation of the complainant, irrespective of whether the complainant actually suffered directly or indirectly from the imputation alleged."

12. In **South Indian Bank Ltd., Thrissur and others v. Paul Vareed Cheruvathoor and another** [2013 (4) KHC 742], this Court has succinctly reiterated the above principle by holding that mens rea is an indispensable ingredient of the offence punishable under Section 499 of the IPC. Unless the complaint discloses the existence of such culpable intention or knowledge, the prosecution cannot be permitted to proceed. The decision reinforces the settled principle



that criminal liability for defamation cannot be inferred merely from the factum of publication, but must necessarily be founded upon the existence of the mental element expressly incorporated in the statutory provision.

13. In **Madhavi Amma v. Sherief** [1985 KLT 330], this Court has unequivocally held that, in a prosecution for criminal defamation, the alleged defamatory words or imputations must be specifically extracted in the complaint. Such a requirement is neither procedural nor technical; rather, it is substantive in nature. Unless the exact words complained of are set out, the accused would be deprived of a meaningful opportunity to understand the precise accusation and to effectively prepare and present his defence. The above principle has been laid down following the law laid down by the Hon'ble Supreme Court in **Balraj Khanna v. Moti Ram** [1971 SCC (Cri) 647].



14. Tested on the touchstone of the above legal principles, the allegations in the complaint fall short of constituting the offences alleged against the petitioners. The complaint does not attribute that the petitioners made any independent imputation concerning the second respondent. Their role is confined to the telecast of a press conference admittedly addressed by the fourth accused. There is no allegation that the petitioners instigated or encouraged the statements made by the fourth accused, nor is there any material to indicate that they entertained the intention to harm the reputation of the second respondent or possessed the knowledge that the broadcast was intended to achieve such an object. In the absence of specific pleadings disclosing the mens rea, the mere telecast of a press conference conducted by another person, who alone made the impugned allegations, cannot attract criminal liability for defamation. If any defamatory imputation



had indeed been made during the course of the press conference, the criminal consequences thereof would, prima facie, enure only against the person who uttered or was responsible for making such imputation. The continuation of the prosecution against the petitioners, on the allegations as presently framed, would therefore amount to fastening criminal liability without the existence of the essential statutory ingredients of the offence.

15. The contours governing the exercise of the inherent jurisdiction of the High Court under Section 482 of the Code of Criminal Procedure are no longer res integra. The celebrated decision of the Hon'ble Supreme Court in **State of Haryana and others v. Bhajan Lal and others** [(1992) Supp (1) SCC 335] continues to be the lodestar for determining when criminal proceedings deserve to be interdicted at the threshold. Among the categories illustratively enumerated therein is the



situation where the uncontroverted allegations contained in the complaint, even if accepted in their entirety, do not disclose the commission of any offence. The above principle has consistently been reaffirmed in subsequent decisions, including **Central Bureau of Investigation v. Aryan Singh and others** [(2023) 18 SCC 399], **Daxaben v. State of Gujarat and others** [(2022) 16 SCC 117] and **Monica Kumar (Dr.) and another v. State of Uttar Pradesh and others** [(2008) 8 SCC 781].

16. Applying the aforesaid principles to the facts of the present case, I have no hesitation in holding that the complaint does not disclose the essential ingredients constituting the offences punishable under Sections 500 and 501 of the IPC as against the petitioners. The complaint does not attribute any independent defamatory imputation to the petitioners; it does not contain the requisite averments regarding the existence of the essential mens rea; nor does it reproduce the



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alleged defamatory statements, as mandatorily required by law. Permitting the prosecution to continue in the face of these glaring legal deficiencies would amount to compelling the petitioners to undergo the ordeal of a criminal trial notwithstanding the absence of the foundational ingredients of the offences alleged. I am, therefore, fully satisfied that this is a fit case warranting the exercise of the inherent powers of this Court under Section 482 of the Code of Criminal Procedure.

In the result, the Criminal Miscellaneous Case is allowed. Annexure A1 complaint in C.C. No.487/2019 on the file of the Trial Court, and all further proceedings pursuant thereto, insofar as they relate to the petitioners, are hereby quashed.

Sd/-

C.S.DIAS, JUDGE

SLR/rmm



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APPENDIX OF CRL.MC NO. 8901 OF 2022

PETITIONER ANNEXURES

Annexure A1	CERTIFIED COPY OF THE COMPLAINT IN CC 487/2019
Annexure A2	TRUE COPY OF THE PROCEEDINGS IN THE CASE EXTRACTED FROM E COURTS