



2026:KER:59865

CRL.MC NO. 3558 OF 2024

1

"C.R."

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

WEDNESDAY, THE 5TH DAY OF AUGUST 2026 / 14TH SRAVANA, 1948

CRL.MC NO. 3558 OF 2024

CRIME NO.24/2020 OF North Paravur Excise Range Office,

Ernakulam

AGAINST THE ORDER/JUDGMENT DATED IN CC NO.281 OF 2023 OF
JUDICIAL MAGISTRATE OF FIRST CLASS -II, ALUVA

PETITIONERS/ACCUSED 2 TO 4:

- 1 MAMMEN MATHEW,
AGED 79 YEARS
CHIEF EDITOR, MALAYALA MANORAMA NEWSPAPER, P.B NO.
4278, PANAMPILLY NAGAR, KOCHI, PIN - 682036
- 2 PHILIP MATHEW
AGED 54 YEARS
EDITOR, MALAYALA MANORAMA NEWSPAPER, P.B NO. 4278,
PANAMPILLY NAGAR, KOCHI, PIN - 682036
- 3 SALEESH K.B
AGED 40 YEARS
S/O BALAN, REPORTER, MALAYALA MANORAMA
NEWSPAPER, P.B NO. 4278, PANAMPILLY NAGAR, KOCHI,
PIN - 682036

BY ADV SRI.MILLU DANDAPANI



2026:KER:59865

CRL.MC NO. 3558 OF 2024

2

RESPONDENTS/COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031
- 2 HARIKUMAR
AGED 45 YEARS
S/O RAGHAVAN NAIR, BHAKTIVILASOM VEEDU,
KOTTAPPURAM, ALANGAD, ALUVA, PIN - 683511

BY ADVS.
SMT.JASMINE V.H., SR.PP
SRI.B.K.GOPALAKRISHNAN
SHRI.KRISHNAKUMAR S.
SHRI.ROSHITH ROSHAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
05.08.2026, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



CRL.MC NO. 3558 OF 2024

3

C.S.DIAS,J.**“C.R.”**

= = = = =

Crl. M.C.No. 3558 of 2024

Dated this the 5th day of August, 2026**ORDER**

The petitioners are accused Nos. 2 to 4 in S.T. No. 1121 of 2023 on the file of the Court of the Judicial Magistrate of First Class-II, Aluva. The prosecution arises from Annexure A1 complaint filed by the second respondent alleging commission of offences punishable under Sections 500, 501 and 502 read with Section 34 of the Indian Penal Code ('IPC').

2. The petitioners have invoked the inherent jurisdiction of this Court to quash the complaint, contending that, even if the allegations are accepted in their entirety, the ingredients of the offences are not attracted. The first petitioner is the Chief Editor, the second petitioner is the Editor, and the third petitioner is the Reporter of the Malayalam daily, *Malayala Manorama*.



2026:KER:59865

CRL.MC NO. 3558 OF 2024

4

Pursuant to Annexure A3 occurrence report registered by the North Paravur Excise Range, against the second respondent, and his arrest for allegedly committing the offences under Sections 67B and 55(i) of the Kerala Abkari Act, the petitioners published Annexure A2 news report concerning the second respondent's implication and arrest. According to the petitioners, the publication was a report of an official action and does not contain any defamatory imputation.

3. The second respondent's case in the complaint, in substance, is that, on 17.08.2020 at about 2.05 p.m., the second respondent was arrested by the Paravur Civil Excise Officer, in connection with the above mentioned crime, on the allegation that he was found in possession of 2.5 litres of Indian Made Foreign Liquor ('IMFL') concealed beneath the seat of his scooter. On the following day, the petitioners' newspaper published a news item, prepared by the third petitioner, reporting the



2026:KER:59865

CRL.MC NO. 3558 OF 2024

5

arrest of the second respondent along with his photograph. In the news item it is reported that the second respondent was apprehended with three litres of IMFL intended for sale to youth and guest workers and that he was selling IMFL on orders received over telephone. According to him, the official records disclosed only the seizure of 2.5 litres; hence, the news was false, which was published to defame the name and reputation of the second respondent owing to the previous animosity of the third petitioner towards him.

4. I have heard Sri. Millu Dandapani, learned counsel for the petitioners, Smt. Jasmine V.H., learned Senior Public Prosecutor, and Sri. B.K. Gopalakrishnan, learned counsel for the second respondent.

5. Learned counsel for the petitioners submits that the news item published by the petitioners is a faithful and correct report of the arrest of the second respondent in the crime, and is not a false news or a defamatory



imputation. The publication has merely reported an official action of the Excise officials, and, therefore, cannot be a foundation for a criminal prosecution for defamation. Reliance is placed on ***Philip Mathew v. P. Jayarajan*** [2023 KHC 685] and ***Malayalam Communications Ltd. v. K.C.Venugopal*** [2024 KHC 1545]. It is argued that continuation of the prosecution would amount to an abuse of the process of the law.

6. On the contrary, the learned counsel for the second respondent submits that the allegations involve disputed questions of fact which ought to be decided at trial. It is contended that the second respondent was subsequently acquitted in Annexure A3 crime and that the petitioners, by publishing the news item and the photograph of the second respondent, and projecting him as an offender, has tarnished his reputation and name in the society. It is, therefore, submitted that this Court may not conduct a mini-trial in exercise of its inherent



CRL.MC NO. 3558 OF 2024

7

jurisdiction.

7. The gravamen of the prosecution allegation is that the petitioners have published a false and misleading defamatory news concerning the arrest of the second respondent in the above crime.

8. The materials on record establish that the crime was registered by the Paravur Civil Excise Officer, against the second respondent on 17.08.2020, alleging that the second respondent was found in unlawful possession of IMFL and thereby, committed the aforementioned offences. The news item was published on the following day.

9. Before considering the rival submissions, it is apposite to refer to the relevant provisions of Section 499 IPC and Sections 501 and 502 IPC:

“Section 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. **Fourth Exception: Publication of reports of proceedings of courts.-** It is not defamation to publish a substantially true report of the proceedings of a Court of Justice, or of the result of any such proceedings.

Section 501: Printing or engraving matter known to be defamatory.- Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Section 502: Sale of printed or engraved substance containing defamatory matter.- Whoever sells or offers for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both."

10. Section 499 IPC does not make every publication, which may adversely affect reputation, an offence. The publication must contain an imputation of the kind contemplated by the provision, coupled with the requisite intention, knowledge or reason to believe that it would harm the reputation of the person concerned. Explanation 4 further identifies the nature of injury necessary to constitute harm to reputation. The Fourth Exception, in



turn, embodies a legislative recognition that a true report of proceedings before a Court of Justice, or of the result thereof, is not defamation. Section 500 IPC prescribes the punishment for the above offence.

11. The rationale underlying the Fourth Exception assumes significance in the present case. A proceeding before a Court of Justice is a matter which, subject to the limits recognised by law, may legitimately be reported to the public. The law does not ordinarily attribute a defamatory intention to a person who faithfully reports what transpired before a court merely because the report may expose an individual. The protection flows from the substantial truth of the report and the public character of the proceeding.

12. The same principle has considerable relevance where the publication concerns not a judicial proceeding, but an incidental proceeding like registration of a crime by the Police or such other statutory authorities, and the



2026:KER:59865

CRL.MC NO. 3558 OF 2024

10

consequential arrest of the accused by the investigating authority. The Fourth Exception cannot be mechanically extended to police proceedings; its express language is confined to proceedings of a Court of Justice. Nevertheless, its underlying rationale—that the substantially true reporting of an official proceeding, without an independent defamatory imputation or culpable intent, should not ordinarily be converted into criminal defamation—cannot be ignored while examining whether the essential ingredients of Section 499 are disclosed.

13. If the law recognises that a substantially true report of a proceeding before a Court of Justice does not constitute defamation, there is still less justification for treating the mere reporting of the fact that a competent statutory authority registered a crime and arrested the accused, as a defamatory imputation, provided the publication substantially reflects the official record and is



not embellished by an independent or malicious imputation. The distinction is material: the protection does not arise merely because the information originated from the police; it arises because the publication is a report of an official act, substantially founded on the record, and unaccompanied by the culpable mental element.

14. The essence of the offence, therefore, remains the existence of mens rea. An adverse publication, or one which causes embarrassment to the person concerned, does not by itself constitute criminal defamation. The prosecution must disclose that the accused made or published a defamatory statement with the intention of harming the reputation or with the knowledge or reason to believe that such harm would result. The same culpable mental element is relevant to the offences under Sections 501 and 502 IPC.

15. Explanation 4 reinforces this conclusion. The



question is not whether the complainant felt offended or whether the publication was unpleasant, but whether the impugned imputation was capable of lowering his moral, intellectual, social, professional or financial standing in the estimation of right-thinking members of society. The assessment is objective, and not founded upon the perception of a sensitive individual.

16. In ***Jeffrey J. Diermeier and Another v. State of W.B. and Another*** [(2010) 6 SCC 243], the Hon'ble Supreme Court held that the essence of defamation lies in publication of an imputation with the intention, knowledge or reason to believe that it would harm the reputation of the person concerned. Proof of actual injury to reputation is unnecessary where the requisite intention or knowledge is otherwise established.

17. This Court has reiterated the indispensability of mens rea in ***South Indian Bank Ltd., Thrissur and Others v. Paul Vareed Cheruvathoor and Another***



[2013 (4) KHC 742], holding that criminal liability cannot be fastened merely on the factum of publication unless the complaint discloses the requisite culpable intention or knowledge.

18. The parameters governing exercise of the inherent jurisdiction under Section 482 of the Code of Criminal Procedure are well settled. In ***State of Haryana and others v. Bhajan Lal and others*** [(1992) Supp (1) SCC 335], the Hon'ble Supreme Court held that criminal proceedings may be quashed where, even if the allegations in the complaint are accepted in their entirety, they do not disclose the commission of an offence. The principle has been consistently reaffirmed in ***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].



19. A careful reading of the complaint reveals that the grievance of the second respondent is regarding the publication of the news item with his photograph. It is undisputed that the second respondent was arrested in connection with the crime and remanded to judicial custody. The publication was founded upon the occurrence report. Even assuming that some particulars in the news item differed from those contained in the official record, the complaint does not allege circumstances sufficient to establish that the petitioners have deliberately fabricated the report with the requisite intention or knowledge to defame the second respondent. Whether the second respondent was subsequently acquitted is of little relevance for deciding the present petition. The crucial question is whether the complaint contains the necessary averments to show that the petitioners published the news item to defame the second respondent. A reading of the complaint as a whole does not disclose the necessary



ingredient. Instead, the publication is founded on an official occurrence report and does not establish the intention to attract the offence of defamation.

20. The distinction between a report of an official proceeding and an independent defamatory assertion is crucial. A journalist does not become criminally liable for defamation because the publication of an official action has caused reputational harm to a litigant. What the aforesaid Sections penalise is not truthful reporting as such, but a culpable defamatory imputation of the kind contemplated by the provision.

21. In the present case, the petitioners reported the second respondent's arrest arising from a crime officially registered by the Excise authority. The publication may have caused embarrassment to the second respondent, but such embarrassment cannot give rise to a prosecution for committing the offences under Sections 499, 501 or 502 IPC.



22. For the foregoing reasons, I am satisfied that Annexure A1 complaint, even if its allegations are accepted in their entirety, does not disclose the essential ingredients of the aforementioned offences. The complaint neither attributes an independent defamatory imputation to the petitioners nor contains the necessary averments to establish the requisite mens rea. The publication was made based on the occurrence report, which led to the arrest of the second respondent. Viewed in the above perspective, I am of the view that the complaint warrants to be quashed in exercise of the inherent powers of this Court under Section 482 of the Code of Criminal Procedure.

In the result, this Criminal Miscellaneous Case is allowed. Annexure A1 complaint in C.C. No.281 of 2023 on the file of the Judicial Magistrate of First Class-II, Aluva, and all further proceedings pursuant to it, insofar as they relate to the petitioners, are hereby



CRL.MC NO. 3558 OF 2024

17

quashed.

dkr

Sd/-
C.S.DIAS, JUDGE



2026:KER:59865

CRL.MC NO. 3558 OF 2024

18

APPENDIX OF CRL.MC NO. 3558 OF 2024

PETITIONER ANNEXURES

- | | |
|-------------|--|
| Annexure A1 | CERTIFIED COPY OF THE COMPLAINT VIZ. CC. NO. 281 OF 2023 FILED BY THE DEFACTO COMPLAINANT BEFORE THE JUDICIAL FIRST-CLASS MAGISTRATE COURT - II, ALUVA |
| Annexure A2 | CERTIFIED COPY OF THE NEWS ITEM PUBLISHED IN MALAYALAM MANORAMA DAILY KOCHI EDITION WHICH IS PRODUCED BY THE DEFACTO COMPLAINANT BEFORE THE COURT BELOW |
| Annexure A3 | TRUE COPY OF THE CRIME AND OCCURRENCE REPORT FILED BY THE EXCISE CIRCLE INSPECTOR BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT II ALUVA DATED 18.08.2020 |
| Annexure A4 | TRUE COPY OF THE PROCEEDINGS OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT II ALUVA IN C.C. 281 OF 2023 DATED 06.04.2024 |