

IN THE COURT OF THE X ADDL. CITY CIVIL &
SESSIONS JUDGE, BENGALURU (CCH-26)

Dated this the 19th day of June, 2024

Present

Sri. Vijaya Kumar Rai, B.Com., LL.B.,
X Addl. City Civil & Sessions Judge,
Bengaluru.

O.S. No.4267/2024

Plaintiff: Smt.Vijayalakshmi Darshan
w/o Sri Darshan Srinivas
aged about 43 years
r/at #217, Thoogu Deepa Nilaya
F Road, Ideal Home Township
Rajarajeshwari Nagar
Bengaluru-560 098

Vs.

Defendants: Indian Express
502, Devatha Plaza, 5th Floor
131, Residency Road
Bengaluru-560 025
Rep. By Editor in Chief

and 37 others

I.A. No.I

Applicant : Smt.Vijayalakshmi Darshan - Plaintiff

v/s

Opponents : Indian Express & others - Defendants

Provision under which the application is filed - U/O XXXIX R 1 & 2
CPC

Relief sought for - Interim exparte TI

The date on which the application is filed - 18.06.2024

Number of the application - I.A.No.I

The date on which the objections are filed by
different opponents - -

The date on which the orders were passed on
the said application - 19.06.2024

INTERIM ORDER ON I.A. No.I

I.A.No.I is filed by the plaintiff to restrain the defendants from printing, publishing or telecasting defamatory statements against her, her husband and family members in relation to the investigation being undertaken by Kamakshipalya Police Station against her husband who is arrayed as accused No.2 in Crime No.250/2024, pending adjudication before the 24th Addl. Chief Metropolitan Magistrate, Bengaluru.

2. It is stated that husband of the plaintiff is arrayed as an accused along with others in connection of death of a person and therefore the husband of the plaintiff is in custody of the Police allegedly being responsible for the murder in connection with the case registered by Kamakshipalya Police, Bengaluru and though the investigation is underway the defendants Media is making charges against the plaintiff's husband and gone to the extent of calling him as a murderer though the investigation is at a preliminary stage. It is also stated that the defendants- electronic media are triggering debates which has defamed the plaintiff and her family. It is further stated that the defendants are fabricating the news and trying to show in the media that plaintiff and her husband are heading towards separation and the plaintiff's husband and plaintiff do not have a healthy relationship as husband and wife and therefore such uncorroborated statements have deeply

impacted the family bonding of the plaintiff's family. It is also stated that plaintiff's son was deeply hurt from such false and fabricated statements and plaintiff's son has even expressed his dismay and disbelief over the statements made in the social media. It is also stated that the defendants are also airing an alleged telephonic conversation between two police officers discussing about the acts said to be committed by the plaintiff's husband and it is nothing but pure media trial which cannot be done for the purpose of tarnishing the image and reputation of the plaintiff and her family. It is also stated that the applications and news has affected the right of free fair and investigation of the trial and therefore an order of ex parte temporary injunction is required to prevent the defendants from printing, telecasting and publishing the defamatory statements against the plaintiff and her family.

3. Heard the learned Senior Counsel Sri Prabhuling Navadagi appearing on behalf of the plaintiff.

4. The point for determination of the Court is-

“ Whether the plaintiff has made out grounds to grant an ex parte temporary injunction order?”

5. The finding of this Court on the above point is in the affirmative for the following:-

- : REASONS : -

6. As per the materials available on record, the Kamakshipalya Police have registered a case against the husband of the plaintiff and others for the offence of murder and other connected offences. The husband of the plaintiff happens to be a film actor. The materials produced by the plaintiff at this stage prima-facie reflects that the publications and telecasts made so far by the defendants not only with regard to the details of the investigation conducted by the Police but also the family relationship of the plaintiff with her husband.

7. The specific contention of the plaintiff is that the defendants are fabricating false and defamatory statements that the plaintiff and her husband are heading towards marital separation and they do not share any healthy relationship as husband and wife. It is further contended that such uncorroborated and false statements have deeply impacted the family bonding of the plaintiff with her husband and also their son. There is prima-facie materials to that effect.

8. Needless to mention that family relationship of the plaintiff and her husband are personal matters of the plaintiff and her husband and therefore the defendants cannot debate on that and make defamatory statements. In the decision of our Hon'ble High Court rendered in case of A.K. Subbaiah v/s N. Garudachar

ILR 1987 Page 100 Karnataka, our Hon'ble High Court has held that the reputation is most valuable to any person and it is much more valuable than any amount of money or anything else in the world. The Hon'ble High Court has further held that merely because the law recognizes the truth or justification as a defence, it does not give the media the right to speak anything that likes. In the judgment of the Hon'ble Supreme Court rendered in the case of Omprakash Chautala v/s Kanwar Bhan and others (2014)5 SCC 417 the Hon'ble Supreme Court has held that when reputation is hurt, a man is half-dead. Therefore the defendants are required to consider the right of reputation of the plaintiff and her family while telecasting or publishing the news in connection to the offences in which her husband said to be involved.

9. Learned Senior Counsel has also brought to the notice of the Court the Circular issued by the Govt. of Karnataka in No.HD-59/SST/2021 dated 11.08.2021 pursuant to the direction of Hon'ble High Court passed in a Public Interest Litigation in WP No.7026/2021/PIL wherein the Hon'ble High Court has made it clear that before completion of the investigation the Police Officers shall not divulge the nature of the investigation and prohibited from disclosing the identity of the complainant and accused. The Govt has specifically directed that no police officers shall brief and disclose to the print and electronic or social media about the nature

of the investigation under progress and also the materials collected during the investigation except disseminating the information relating to the registration of the FIR. It is contended that inspite of this, the defendants are illegally publishing incorrect information which is nothing but media trial affecting free and fair investigation. At this stage, there is sufficient force on the submission made by the learned Senior Counsel. No doubt the criminals can be exposed and offences cannot be viewed lightly, but in the guise of exposing the offences, the personal life, liberty and reputation of a person cannot be marred. It shall be noted that the investigation has not been completed and therefore it is too premature to the defendants to express any opinion about the guilt or otherwise of the husband of the plaintiff. It is well settled law that the doubts how so ever high it will not substitute the proof. Hence it is too premature to the defendants to express any opinion about the guilt or otherwise of her husband in the alleged crime. It is highly improper to publish or telecast the information and news as if he has committed the guilt. Having regard to these aspects, an order of exparte temporary injunction is very much necessary. If notice is issued it takes time and in the interregnum period there will be further publications and telecasting of the news which would damage the reputation of the plaintiff and her husband. Therefore if notice is issued, the very object of granting an order of exparte

temporary injunction would be defeated by delay. Hence, the above point is answered in the affirmative and the following order is passed:-

ORDER

The defendants, their reporters, anchors or any other persons claiming on behalf of them are restrained from printing, publishing, telecasting the news or any other information touching the personal and family life of the plaintiff, her husband Darshan Srinivas or publishing or telecasting any unauthenticated information/opinion in connection with the investigation in Crime No.250/2024 conducted by Kamakshipalya Police Station.

(Dictated to the Senior Sheristedar through Dictaphone recorded by me, transcribed by him on Computer, carried out corrections, taken print out and then then pronounced in the Open Court on this the 19th day of June, 2024).

(Vijaya Kumar Rai)
X Addl. City Civil & Sessions Judge
Bengaluru.