

BEFORE THE JUDICIAL MAGISTRATE II, CHIDAMBARAM

C.C. No. of 2021

Pu.Th.Arulmozhi
President,
Vanniyar Sangam,
Puthu Polaamedu Village,
Nanjaloor Post,
Chidambaram Taluk,
Cuddalore District.

... Complainant

-Vs-

1. M/s. 2D Entertainment Private Limited,
Akshaya Suriya,
43/20, 2nd floor, Besant Avenue Road,
Adyar,
Chennai – 600 020.

2. Suriya Sivakumar,
S/o. Mr. Sivakumar,
No. 30, Lakshmi Illam,
Arcot Street,
T. Nagar,
Chennai – 17.

3. Jyothika Surya,
W/o. Mr. Suriya,
No. 30, Lakshmi Illam,
Arcot Street,
T. Nagar,
Chennai – 17.

4. T.J.Gnanavel,
Director, Jai Bhim
43/20, 2nd floor,
Besant Avenue Road,
Adyar, Chennai – 600 020.

5. M/s Amazon.in
Rep. by its CEO
Brigade Gateway, 8th Floor.
26/1,Dr.Rajkumar Road,
Malieshwaram (W),
Bangalore – 560 055.
State of Karnataka.
primary@amazon.com

... Accused

**COMPLAINT FILED UNDER SECTION 199 (6) READ WITH 200 OF
THE CRIMINAL PROCEDURE CODE FOR THE OFFENCES
UNDER SECTIONS 153,153A (1), 499, 500, 503 AND 504 OF INDIAN
PENAL CODE, 1860.**

The Complainant is Pu.Th.Arulmozhi, Son of Mr. Thamodharan, aged about 69 years, Hindu, residing at Puthu Polaamedu Village, Nanjaloor Post, Chidambaram taluk, Cuddalore District.

The address for service of all notices and process on the Complainant is that of his counsel M/s. K. BALU and T. TAMILARASAN, N.MAHENDIRAN, Advocates, having office at Near old court, No.10, Shajahan Complex, Lal Khan Street, Chidambaram.

The Accused are M/s 2D Entertainment Private Limited having office at Akshaya Suriya, 43/20, 2nd floor, Besant Avenue Road, Adyar, Chennai – 600 020

Mr. Suriya Sivakumar, Son of Mr. Sivakumar, residing at No. 30, Lakshmi Illam, Arcot Street, T. Nagar, Chennai – 17.

Mrs. Jyothika Surya, wife of Mr. Suriya, residing at No. 30, Lakshmi Illam, Arcot Street, T. Nagar, Chennai – 17.

T.J.Gnanavel, Director, Jai Bhim, residing at No. 43/20, 2nd floor, Besant Avenue Road, Adyar, Chennai – 600 020.

M/s Amazon.in Rep. by its CEO having its office at Brigade Gateway, 8th Floor, No.26/1, Dr.Rajkumar Road, Malieshwaram (W), Bangalore – 560 055, Karnataka.

The address for service of all notices and process on the Accused is the same as stated above.

1. The complainant states that he is the State President of Vanniyar Sangam, which has been founded by Dr.S.Ramadoss in the year 1980. Vanniyar Sangam has been fighting for securing social empowerment to all members of Vanniyakulsa Kshatriya communities and also to uplift the marginalized and down-trodden communities in Tamil Nadu and Puducherry and in other parts of the Country. My client further states that the Vanniyar Sangam has got its symbol called as “Agni Gundam” i.e. Raging flame from the Holy Pot, depicting the legendary figure of Rudra

Vanniya Maharajan who sprung from the flames to destroy evils. Vanniyar Sangam has got its own exclusive symbol and flag for their identification. Agni Kundam is a sacred symbol of the Vanniyar Community for many centuries.

2. The complainant states that Vanniyar Sangam has got large number of members and followers and Vanniyar community is single largest community in Tamil Nadu. Its members are residing predominantly in Tamil Nadu, Pondicherry, Andhra, Karnataka, Telengana and are also residing in various parts of the Country and outside India. Vanniyar Sangam was earlier headed by several prominent leaders of Vanniyar Communities including Late. J. Guru who was former President and former MLA. The complainant states that Vanniyar Sangam is always fighting in the field for the socially backward and under privileged people of the society in the State. The Vanniyar Sangam has fought for several socio economic issues and conducted several agitations in the State for successful implementations of various demands. The name "Guru" is well associated with Vanniyar Sangam and the Sangam is well known not only across the state but also in the entire country for its welfare and social reform activities.

3. The complainant states that accused No.1, represented by accused No.2 and 3, has produced Tamil Movie titled as "Jai Bhim" and released in OTT Platform in which accused No.2 has acted in the lead role and accused No.4 has directed the movie. The complainant states that movie has been released in the OTT platform, namely, Amazon Prime video through accused No.5 and reported to have been viewed by millions of the cine lovers and accused fans across the world. The complainant states that you have claimed in the movie itself that the story of the movie is based upon a real life story and the storyline of the movie is based upon the decision of the Hon'ble High Court of Madras.

4. The complainant states that movie speaks about custodial torture and Police officials' apathy towards human rights violation. It is about real story in which under privileged community woman struggles for justice for the brutal murder of her husband due to the ruthless and blood-curdling torture of police in unauthorised police custody. The police have

tortured a member of the underprivileged community after falsely implicating him in a criminal case of theft from the house of a locally influential person of the village. The story line goes that the innocent man dies in police custody of brutal torture unleashed on him by the police officials under the reckless pressure from the higher ups in the police department. Subsequently the police cover up the incident as if the prisoner had escaped from their custody. While so, Advocate K. Chandru, who later becomes the Hon'ble Judge of Madras High Court, takes up the issue, fights for justice for the underprivileged women and ultimately succeeds in his legal struggle for justice for the hapless woman. The case has been reported in 1994 – 2- Law weekly 680 (“Rajakannu - Vs- State of Tamil Nadu and others”). Accused No.2 has played this role of a Lawyer fighting for justice to a wronged woman victim.

5. The complainant states that Accused have produced the movie by retaining to most of the characters in the movie with the same real names such as Rajakannu, Advocate Chandru, and Police Officer Perumalsamy involved in the real incident. The complainant states that Accused have retained the real names of all the characters in the real incident in the movie also. But deliberately Accused persons have changed the name of sub inspector of police, who had tortured the victim in the police custody. The complainant in the real story line, name of the sub inspector of police who is involved in custodial death of the under trial prisoner was “Anthonysamy”, who was Christian by religion. In one of the scene in the movie, Accused Persons have shown the symbol of Vanniyar Sangam in the calendar behind the Sub Inspector of Police who commits the atrocity of torture in the movie. The accused have deliberately got printed a calendar of the year 1995 with the symbol of Agni Kundam with the caption of **“Kshatriya Kula Manadu, Villupuram”** (ஔத்திரியகுல மாநாடு, விழுப்புரம்) in which clearly exhibited the intention of accused persons, having malafide intention of defaming the members of Vanniyar sangam and damaging the image and reputation of entire vanniyar community. Further Accused have deliberately named the person as “Gurumuthy” and repeatedly referred to him as “Guru”. While mentioning names of various characters from the real story, Accused have deliberately named the Sub inspector of police as “Guru” resembling one of the frontline leaders of

Vanniyar Sangam. The accused have projected the said wicked person, a wrong doer, as if he belonged to vanniyar community thereby imputing that the members of the Vanniyar community are prone to commit wrong and illegal things while in real life said Sub Inspector does not belong to Vanniyar Community. The complainant states that by various symbolic representations in the offending movie, accused have wantonly, wilfully and intentionally portrayed the character of the Sub Inspector of police, who is guilty of committing custodial death in the film and also in the real life story, belongs to vanniyar community whereas the said Sub Inspector does not belong to Vanniyar Community.

6. The complainant further states that in the movie, for the purpose of proving the date of death of the victim, Accused have referred to a daily calendar in the house of sub inspector of police in which Vanniyar sangam symbol is predominantly displayed with the caption of Kshatriya Kula Manadu, Villupuram in which clearly exhibited the intention of accused persons, having malafide intention of defaming the members of Vanniyar sangam and damaging the image and reputation of entire vanniyar community. It cannot be considered as casual, innocent, inadvertent mistake and natural sequence in the movie. Only with a view to maligning the image of vanniyar community people in the society and with a view to defaming the entire community as a whole, Accused have deliberately displayed in the scene the vanniyar sangam logo and symbol in the calendar at house of Sub-Inspector of Police. The complainant states that Agni Kundam is the symbol of Vanniyar sangam i.e. raging fire from the Holy Pot is the symbol. Apart from the above, Accused have made several symbolic representations through various scenes and dialogue in the movie insinuating that vanniyar community people are oppressing the underprivileged people in the movie. The complainant states that only with a malicious intention to portray the Vanniyar sangam in poor light, accused have deliberately filed and framed those sequences in the movie. The symbolic representations in various sequences in the movie "Jai Bhim" is per se defamatory and intentional act and targeted to defame and cause greater disrepute to the complainant community.

7. My client further states that if the accused true intention is to fictionalise a real life incident as it is without any theatrical gimmicks and bring out the unbearable suffering and persecution undergone by voiceless section of neglected people at the hands of inhuman police to the notice of the public in order to generate awareness how the long and majestic arms of Law extend it helping and unfailing hand to wipe out tears from the eyes of innocent victims, there is no need and necessity to show the Vanniyar sangam Symbol in the particular scenes and sequences in the movie and Accused No. 1 to 4 have deliberately and mischievously included it with ulterior motive to assassinate the very reputation and tarnish the sacred image and respect earned by the Vanniyar community as a community of people with a decent conduct, respectable character and good culture in spite of their debilitating poverty and backwardness in all spheres of life .

8. The complainant states that in the movie, the people belonging to Vanniyar Community have been shown in very poor light. The complainant states that accused have deliberately done this to give a false impression in the minds of the viewers and in the minds of the people of other communities to the effect that the people belonging to Vanniyar community have been habitually oppressing the underprivileged people in the society. The complainant states that people belonging to Vanniyar community are predominantly living in Tamil Nadu, Pondicherry, Andhra, Karnataka, Telangana, and accused Sl. No. 1 to 4 are deliberately defaming their image, spoiling their reputation, wounding and hurting their self-respect at large. The complainant states that under the guise of freedom of expression, accused cannot defame the particular community and Accused cannot deliberately show Vanniyar community in poor light for the sole purpose of sensationalising the issue and thereby your earning substantial revenue by distorting facts unmindful of its consequential damage to the image and reputation of a single largest community.

9. It is further submitted that accused persons have deliberately shown that sub inspector of police, who commits in the film the grave crime of murder by torture in Police Custody on an innocent victim from underprivileged community in flagrant violation of human rights, as if the

said Sub-Inspector had belonged to Vanniyar community while the fact remains that the said Sub Inspector does not belong to Vanniyar Community. As a matter of fact, Vanniyar community has been tirelessly fighting for the welfare of socially weaker section of people in the society and they are always fighting for their upliftment. In fact in the real life incident, many Vanniyar community people have stood by and supported the victim in her unrelenting struggle to get the justice. Conveniently Accused have suppressed the names of the persons hailing from Vanniyar Community who extended their help to the victim to fight for justice in the real life. But Accused have deliberately portrayed that the sub inspector of police who commits the brutal murder in the film belonging to Vanniyar community.

10. The complainant states that Accused have released movie in the OTT platform on 02.11.2021 and are continuing to exhibit the movie in spite of serious objections from various quarters. It was brought to the notice of Accused that the offending sequences are deliberately shown with a malafide intention to defame vanniyar community people in the eyes of public and also lower the image of the Vanniyar community people in the eyes of the other general public and this has incited disaffection amongst the people of other communities towards members of Vanniyar community. My client states that the movie has already been viewed by several millions of people, as Accused No.5 have got large base of subscribers not only in India but also across the world and have raked box office revenue. Within a few days from the date of release it has been widely viewed likely by huge number of people from all over the world. The complainant states that after receiving objections from several quarters, accused have claimed that Accused have changed the “Agni Kundam” symbol in daily calendar in one of the scenes and claimed pretended innocence. The movie has already been viewed by several lakhs of people and Accused have already damaged the image of the community in the eyes of right thinking people. Vanniyar community people are defamed in the eye of public.

11. The complainant states that Accused have deliberately included the scenes with a view to create communal disharmony between vanniyar

community people and other community people. The accused irresponsible depiction of Vanniyar community poor light in the offending movie is deliberate and Accused cannot claim innocence. Under the guise of freedom of expression, accused persons cannot defame and insult particular section of the society. When the Vanniyar community people stood for the social justice in the real incident, the accused have deliberately painted a different and negative picture in said movie which is contrary to the truth. The complainant states that accused mischievous filming and framing of sequences in said movie portraying as if the vanniyar community people were oppressing the other under privileged people has created communal tension/disharmony in the society. The innocent people of the other communities have started thinking that in the real life incident it was the Vanniyar community people who oppressed the under privileged victim as shown in the movie, which is contrary to the truth. The accused have twisted the true story deliberately with the view to maligning the image of Vanniyar Community and lower their reputation in the eyes of the people of all other communities in the neighbouring areas and in all the other places where the members of the Vanniyar community are predominantly living in peace and harmony with the people of the other communities in a friendly atmosphere. The accused have deliberately included the sequences in the movie to scandalise the particular section of the society and these false imputations are nothing but create violence, scandalous, irresponsible, per-se defamatory and malicious distortion of truth warranting appropriate legal action.

12. The complainant further states that by dint of Accused irresponsible production of a movie claimed to be based on a real life incident but with distorted truth and twisted facts and questionable display of some irrelevant materials such as Calendar with "Agni Kundam" symbol of Vanniyar Sangam and naming the leading anti hero character of the Sub Inspector in the movie after the name of one of the popular leaders of Vanniyar Sangam, Accused have kicked off a seemingly undying controversy on the very conduct and character of members of Vanniyar Community which has got the dangerous potential of creating hatred and disaffection in the minds of the other communities in the State, Country and across the world, towards the members of Vanniyar Communities.

The accused persons reckless depiction of the Vanniyar Community in poor light with villainy and criminal bent of mind has delivered an irreparable dent in the hitherto earned high reputation of the community with one deadly blow in accused film wiping out all good will the Vanniyar community has enjoyed so far from all other communities. The accused were aware that these culpable imputations in the film have already generated considerable heat in the social and electronic media intensifying the controversy. The complainant had sent a legal notice to the accused person on 13.11.2021 and the same has been replied by stating that they stood their stand in the offending movie and also failed to tender their unconditional apology for the defamatory scenes/words and not realised the feelings of Vanniyar community people.

13. The Complainant states that after receiving legal notice from the complainant, the accused persons made strong reply statements that they were created the offending scenes in the Movie with intention to create communal disharmony among the people in the society and also their action in defaming the community is exhibited the Movie. Now Accused persons have created communal issues, criminal intimidation between the people and also provokes the breach of peace by inciting violence among the people in the state of Tamil Nadu. It is pertinent to note that well known poet viz., Kanmani Gunasekaran, who has given local language words in the said movie, said that original facts have been suppressed and Vanniyar community has been defamed and therefore he refunded his remuneration a sum of Rs.50000/- to the producers/ 1st Accused. Further, wife of late Rajannu viz., Parvathy, who was the victim of the real incident, has also confessed that her consent has not been obtained by the accused persons before releasing offending movie. Therefore, the intention of accused persons have been clearly exhibited that they are wantonly defaming and insulting the vanniyar community people.

14. The cause of complaint arose at Chidambaram within the jurisdiction of this Hon'ble Court, since defamatory movie is telecasted through OTT platform and legal notice is sent to them from my residence. The aforesaid defamatory scenes were brought to the notice of the complainant by his community leaders as well as People belonging to Vanniyar Community and subsequently the complainant had seen the

offending movie through OTT Platform of the 5th Accused on 05.11.2021 at Chidambaram within the jurisdiction of this Hon'ble Court. Earlier the complainant preferred the Criminal complaint as against the accused before the Inspector of Police, Town Police Station, Chidambaram, but they refused to register the complaint and thereafter, the complaint was preferred to the Superintendent of Police, Cuddalore, but no action was taken till date.

It is therefore prayed that this Hon'ble Court may be pleased to take cognizance of this complaint and proceed against the accused for their offending movie scenes and punish them for the offences under sections 153, 153A(1), 499, 500, 503, 504 and 505 of Indian Penal Code and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Dated at Chennai on this the 22nd day of November, 2021.

COMPLAINANT

COUNSEL FOR COMPLAINANT

LIST OF WITNESSES

1. The Complainant, Pu.Th.Aarulmozhi.
2. Kavignar kanmani Gunasekaran.
Manakollai,
Panruti Taluk,
Cuddalore District.
3. Parvathy
Wife of late Rajakannu,
Mudhanai Village & Post,
Virudhalachalam Taluk,
Cuddalore District.

LIST OF DOCUMENTS

1. Photograph of the calendar of the year 1995 with the symbol of "Agni Kundam with the caption of Kshatriya Kula Manadu, Villupuram"
2. Legal notice dated 15.11.2021.
3. Acknowledgement and postal receipt.

4. Reply notice issued by the Accused persons 1 to 4
5. Reply notice issued by the 5th accused
6. Kavignar Kanmani Gunasekaran letter
7. Copy of DD returned by Kavignar Kanmani Gunasekaran
8. Any other documents.

COMPLAINANT

COUNSEL FOR COMPLAINANT