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O.A. No.16 of 2022
in
C.S. No.7 of 2022

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ABDUL QUDDHOSE, J.

The Suit has been filed seeking for damages and for permanent injunction restraining the defendants from making defamatory statements against the plaintiff. The plaintiff has also sought for mandatory injunctions, as seen from the prayer No.(c) to prayer No.(g) in the plaint.

2. The plaintiff claims to be a renowned film director based in Mumbai, having directed 6 movies with a star studded cast of actors and actresses, over a span of 27 years working in the film industry. According to him, he has garnered accolades from both the film fraternity and the public alike for his work.

3. According to the plaintiff, it is a case of vendetta on the part of the first defendant to publish a defamatory post against the plaintiff in the year 2017 in the fifth defendant's website, alleging that she was a victim of sexual harassment while recounting her alleged encounter in the year 2005 without accusing anyone in particular.



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WEB COPY 4. According to the plaintiff, after a lapse of one year, in 2018, the first defendant at the behest of the second defendant under her attempts at allegedly exposing harassment in the Kollywood industry under the name of “#metoo movement”, belatedly and after much thought and deliberation with the second defendant, alleged and published the name of the plaintiff herein as the person, who allegedly restrained her in reference to the said post published in the fifth defendant's website in the year 2017.

5. According to the plaintiff, he has a reputation in the film industry as a good and respectable director. He also states that his track record in the film industry is good and there are no criminal cases pending against him and no one has accused him of any offence, but according to him, even without lodging any criminal complaint and only to tarnish his image, the first defendant has started accusing him of sexual harassment. The plaintiff has also filed a criminal defamation complaint under Section 500 of the Indian Penal Code and the same has also been taken cognizance of by the IX Metropolitan Magistrate, Saidapet, Chennai in C.C. No.344 of 2019 and the trial has also been commenced, as seen from the plaint averments. The plaintiff has also pleaded in the plaint that he is also appearing before the Criminal Court in the



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defamation complaint, lodged by him and has been co-operating with the Trial.

6. According to the plaintiff, during the pendency of the Trial, in the criminal defamation complaint in C.C. No.344 of 2019, with malice and ill-intention to annihilate and malign the future career prospects of the plaintiff, the first defendant, on 19.12.2021 with the connivance of the second defendant, published a written post with a photograph in the third defendant's website and the text is reproduced hereunder:-

“My sexual harraser Susi Ganesan first threatened Actor Siddharth for supporting my #metoo tweet, then both him & his wife threatened Actor Amala Paul when she tweeted about his predatory behaviour. Then he filed a defamation case. And followed it up with the gross misuse of criminal justice system to impound my passport. Then he wrote to my Canadian University Administration and Professors to cancel my student visa status. Now he harasses Journalists who cover the news and News Editors who retweet my tweets. My mother frantically calls me every hour, being scared that he can harm me physically as all his tools are running out. I am feeling very unsafe and if something untoward happens to me, I declare here in open that it will be his doing.

Lena Manimekalai (she/her)

Poet, Filmmaker”



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7. According to the plaintiff, the aforementioned statements made by the first defendant in connivance of the second defendant, which was published in the website of the third defendant, is highly defamatory in nature, which damages the image and reputation of the plaintiff, affecting his career prospects, as a reputed Film Director. The plaintiff has also stated that the aforementioned statements published in the website of the third defendant was also “re-tweeted” by numerous other parties, including the defendants 2, 7 and 8 in the social media, which has tarnished the image and his reputation.

8. According to the plaintiff, an interview was also given by the first defendant in the News Channel of the seventh defendant on 20.12.2021 and the statements made by the first defendant during the course of her interview, has tarnished the image and reputation of the plaintiff and are *per se* defamatory. According to the plaintiff, in the social media, several tweets are being made re-producing the defamatory statements made by the first defendant, which has caused his image and reputation to be tarnished.



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WEB COPY 9. According to the plaintiff, there is absolutely no truth in the statements made by the first defendant accusing him of sexual harassment. He has also stated that the first defendant has also spoiled his image with the leading music director, Maestro Mr.Ilayaraja, who has inducted the plaintiff for his next film.

10. Learned counsel for the plaintiff drew the attention of this Court to the screen shots of the defamatory statements made by the first defendant, which have been filed as documents along with the plaint. He also drew the attention of this Court to the criminal complaint lodged by the plaintiff against the first defendant for Criminal defamation under Section 500 of Indian Penal Code in C.C. No.344 of 2019 which is now pending on the file of the IX Metropolitan Magistrate Court, Saidapet, Chennai and would submit that the statements made by the first defendant are highly defamatory in nature and they are absolutely false and only with malice and to defame the reputation of the plaintiff, those statements have been made. He would also point out that the defamatory statements made by the first defendant are being hosted in the Internet platform of the third to sixth defendants as well as the eighth defendant. In such circumstances, O.A. No.16 of 2022 has been filed seeking



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WEB COPY for an order of interim injunction restraining the respondents/ defendants from making any defamatory statements or publishing the same.

11. This Court, after giving due consideration to the plaint averments and the affidavit filed in support of O.A. No.16 of 2022 as well as the documents filed along with the plaint, is of the considered view that a *prima-facie* case has been made out for the grant of interim injunction as prayed for in O.A. No.16 of 2022. The balance of convenience is also in favour of the applicant/ plaintiff. Irreparable injury will be caused to the plaintiff, if after Trial, this Court finds that there is no truth in the statements made by the defendants. Accordingly, there shall be an order of interim injunction as prayed for in O.A. No.16 of 2022. However, it is made clear that since the matter is *subjudice*, the applicant and the first defendant, who has accused the applicant/ plaintiff of sexual harassment, are enjoined from going to the press with regard to the subject matter of the dispute in C.S. No.7 of 2022. Both the plaintiff and the first defendant are directed not to go to the media or tweet messages with regard to their respective contentions as the matter is *subjudice*.



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WEB COPY 12. Notice to the respondents, returnable by 15.02.2022. Private notice is also permitted. The applicant/plaintiff is directed to comply with Order 39 Rule 3 of the Code of Civil Procedure. Post the matter on 15.02.2022.

20.01.2022

srn/ab

Note: Registry is directed to upload the order copy today itself.



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