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C.S.No.127 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.01.2024**

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.S.No.127 of 2022

Apsara Reddy

... Plaintiff

VS

1. Joe Micheal Praveen

2. Google LLC, D/B/A/ YouTube,
901, Cherry Ave, San Bruno, CA 94066.

... Defendants

Civil Suit filed under Order IV Rule 1 of High Court O.S. Rules 1956 read with Order VII Rule 1 of CPC for the following reliefs :

a) Declaring that the contents published and circulated by the first defendant in the above YouTube media channel run and administered by the second defendant morefully described in the Schedule hereunder and or any other defamatory videos published posted and circulated by the first defendant are defamatory in nature against the plaintiff; and

b) For mandatory injunction directing the first defendant to pay a sum of Rs.1,25,00,000/- with further interest at the rate of 36% annum as compensation for the damage, loss and hardships caused by the defamatory



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libelous and slanderous videos published and circulated by the first defendant in the above YouTube channel run and administered by the second defendant from the date of initiation of the suit till the date of realisation;

c) Mandatory injunction directing the defendants to take down, remove or delete the above 10 videos and all or any other defamatory videos existing beyond the knowledge of the plaintiff which were published posted and circulated, by the first defendant, his associates, men, agents, representatives, persons acting through or under him in any manner in the above YouTube media channel run and administered by the second defendant and also further restrain from uploading, circulating or publishing any other videos, messages, pictures or graphical representation of any nature that are defamatory, derogatory or in the nature of a threat to repute the plaintiff; and

d] for costs of the suit.

For plaintiff : Mr.V.Raghavachari, Senior Counsel
for Mr.V.S.Sentil Kumar

For defendants : Mr.Mr.G.Balasubramanian
for Leela & Co. – D2,

D1 Set exparte



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J U D G M E N T

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This suit has been filed for the following reliefs :

a) Declaring that the contents published and circulated by the first defendant in the above YouTube media channel run and administered by the second defendant morefully described in the Schedule hereunder and or any other defamatory videos published posted and circulated by the first defendant are defamatory in nature against the plaintiff;

b) For mandatory injunction directing the first defendant to pay a sum of Rs.1,25,00,000/- with further interest at the rate of 36% annum as compensation for the damage, loss and hardships caused by the defamatory libelous and slanderous videos published and circulated by the first defendant in the above YouTube channel run and administered by the second defendant from the date of initiation of the suit till the date of realisation;

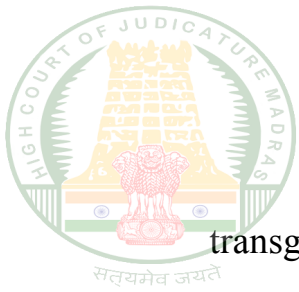
c) Mandatory injunction directing the defendants to take down, remove or delete the above 10 videos and all or any other defamatory videos existing beyond the knowledge of the plaintiff which were published posted and circulated, by the first defendant, his associates, men, agents,



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representatives, persons acting through or under him in any manner in the above YouTube media channel run and administered by the second defendant and also further restrain from uploading, circulating or publishing any other videos, messages, pictures or graphical representation of any nature that are defamatory, derogatory or in the nature of a threat to repute the plaintiff and for costs.

2. [i] The case of the plaintiff is that the plaintiff is a transgender. The plaintiff has her B.A. Degree in Journalism from Monash University of Australia and a degree in MA Broadcasting specialising in Developmental Economics from the City University of London. The plaintiff has become one among the may influential spear-bearer to represent may of the social ills faced by the transgender community and the downtrodden women at the top most political fraternity. The plaintiff was appointed as the National General Secretary of All India Mahila Congress and invited by various politicians and celebrities like Mr.Amith Shah, BJP party President, late Ms.J.Jayalalithi [AAIDMK party President] to discuss on the various issue of women empowerment and on various hurdles and problems faced by the

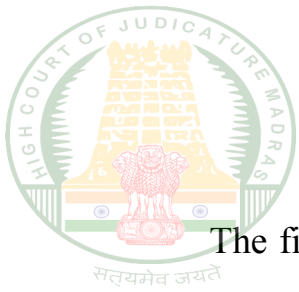


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transgender community across India. The plaintiff is not only a politician but also a social activist, journalist, regional television anchor. The plaintiff is an editor in the English daily Deccan Chronicles and in Provogue magazine. The plaintiff was invited to address the European Parliament in the year 2017 and again invited as a keynote speaker in the prestigious Princeton University, New Jersey and presently, the plaintiff is appointed the National Spokesperson for AIDMK.

[ii] The first defendant is an offhand YouTuber, who posts or publishes many YouTube videos by interviewing or producing unsolicited and defamatory videos on famous without any of their consent or permission in the YouTube platform run and administered by the second defendant. The first defendant has been making his earning and livelihood by posting and publishing defamatory articles and commentaries with false, suppressed and manipulative details on famous personalities in the society. In the year 2017, while the plaintiff was working as one of the editors in Provogue magazine, the first defendant was introduced to the plaintiff during the course of business by the Managing Director of the Provogue magazine.



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The first defendant expressed his desire to do a joint video or program with the plaintiff. As the plaintiff refused to join with the first defendant, the first defendant became angry and thereafter, he was continuously gossiping and circulating bad notions about the plaintiff and was defaming social activities of the plaintiff. The first defendant has uploaded defamatory videos containing malicious and defamatory messages were circulated which are as follows :

“I. Following and publishing in YouTube about all the activities of the Plaintiff wherever she went;

II. That the Plaintiff went to a massage parlor whenever the Plaintiff goes to the beauty parlor;

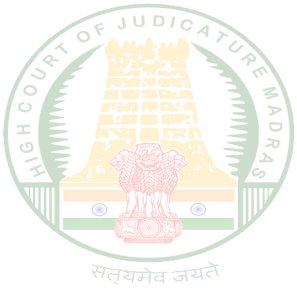
III. That the Plaintiff had slept with over 60 men;

IV. That the Plaintiff is instigating many women to speak against the 1st Defendant;

V. That the Plaintiff under the guise of conducting fashion show would make the women attendees to drink alcohol and supply them to other wanting men.

VI. That which restroom/toilet will the Plaintiff use after becoming a female;

VII. That will the Plaintiff go to mens beauty parlor or women's beauty parlor:



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VIII. That should the Plaintiff be called in the name which was given to her before sex change or after sex-change;

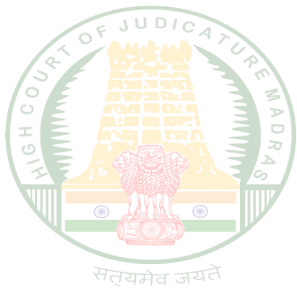
IX. Name calling the Plaintiff in a local slang word as a 'piece (item)

X. That following the Plaintiff and defaming her by saying that her activities are immoral in nature;

The first defendant has posted defamatory nature of the libellous and slanderous expressions in the respective videos as stated hereunder:-

i. In the YouTube video dated 17/08/2019 seen in the link "<https://www.youtube.com/watch?v=-5POe8iOzbQ>" titled "மீரா மிதுனுக்கு பின்னனாடி இருக்குற காங்கிரஸ் தலைவர்" (The Congress Leader behind Meera Mithun) | Joe Michael Reveals" the 1st Defendant has used phrases and words to maliciously define and defame the Plaintiff, as follows:- (1) Apsara Reddy is Main Villian; (2) Apsara Reddy are two genders, she changes from one gender personalities to other as and how required; (3) Apsara Reddy has given complaint to over 60 people and made them sit in prison; (4) referring Apsara Reddy to a bandicoot and stating that she will get caught; (5) referring Apsara Reddy as "periyamma" and that she had sent 25 people to Joe's house.

ii. In the YouTube video dated 19/08/2019 seen in the link "<https://www.youtube.com/watch?v=BZ3XjmkW1P8>"



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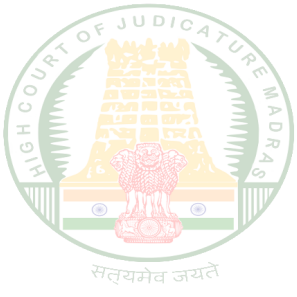


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"Political Support and Hard Disk Evidences Revealed titled Exclusive Interview with Joe Michael" the 1st Defendant has used phrases and words to maliciously define and defame the Plaintiff, as follows:- (1) Apsara Reddy is a big villain; (2) Apsara Reddy will pour alcohol and give; (3) Apsara Reddy will get favours in return for her media articles; (4) if anyone does not invite Apsara Reddy for their birthday party, she will file complaints.

iii. In the YouTube video dated 28/08/2019 seen in the link <https://www.youtube.com/watch?v=yjncFgupbVY> “என் Target நீ இல்லை Meera Mithun முகத்திரையை கிழிக்கும்” (You are not my target. Joe Michael reveals the true face of Meera Mithun) Joe Michael Bigg Boss 3 | WV100" the 1st Defendant has used phrases and words to maliciously define and defame the Plaintiff, as follows:- (1) Apsara Reddy is a man who was earning Rs.1 Lakhs; (2) My tax amount is higher than her salary; (3) who is bigger? Joe who pays tax or Apsara who does not pay tax?; (4) she will give otta vada to laot of people; (5) Apsara Reddy has a Assasins.

iv. In the YouTube video dated 30/08/2019 seen in the link "<https://www.youtube.com/watch?v=ZrxbGNgCo78>" titled



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"meera mithun vs joe michael - the group that directs big boss meera mithun joe Michael exposes" the 1st Defendant has used phrases and words to maliciously define and defame the Plaintiff, as follows:- (1) if anyone does not invite Apsara Reddy for their birthday, she will file a case on them; (2) Apsara Reddy has a gang who extorts people for money; (3) Apsara Reddy is a political thief.

v. In the YouTube video dated 02/09/2019 seen in the link "https://www.youtube.com/watch?v=Lc-vR3LSZ_U" titled "Fake Allegation ஆண் எதிரான புரட்சி". (The Revolution against fake allegation) | Joe Michael | Meera Mithun | Apsara Reddy" the 1st Defendant has used phrases and words to maliciously define and defame the Plaintiff, as follows:- (1) Fake Feminist; (2) Joe can pay money to the police and get the work done, the same way Apsara Reddy has done; (3) Joe made Apsara Reddy to run and hide herself; (4) Joe will hang himself, if that is what will make a public believe against Apsara Reddy; (5) The People who comment in the videos supporting Apsara Reddy are those belonging to the LGBT Community; (6) is Apsara Reddy a Woman? (7) Joe is exposing Apsara Reddy; (8) Apsara Reddy is going around saying that she will become Chief Minister; and (9) Coming for you to tear your face into pieces.

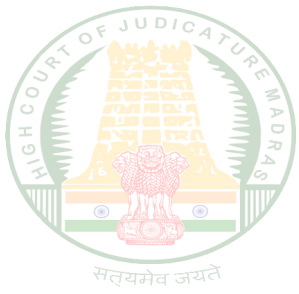


vi. In the YouTube video dated 02/09/2019 seen in the link "<https://www.youtube.com/watch?v=zOMuQEDMRW0&t=1s>" "மசாஜ் Centre- வேலை பார்த்த Meera..." titled "வெளிவராத உண்மைகள்" (Meera Mithun worked the Massage Centre, the unrevealed truth)

vii. Joe Michael & Ex-manager Venkat" the 1st Defendant has used phrases and words to maliciously define and defame the Plaintiff, as follows:-

(1) Joe is sceptical if there is a jail for transgenders; (2) Among girls it has become a fashion to give complaints; (3) Joe is sceptical as to which jail will Apsara Reddy go to because there is no jail for transgenders and there are no sections under the law for transgenders; (4) Jayanthi and Apsara are colluding as a gang; and (5) land mafia.

viii. In the YouTube video dated 03/09/2019 seen in the link "<https://www.youtube.com/watch?v=FLdDalGvpBM&t=35s>" Apsara விடம் Torture "அனுபவித்த 60 ஆண்கள்" men faced torture from the Apsara) | JOE INTERVIEW | Part 2 the 1st Defendant has used phrases and words to maliciously define and defame the Plaintiff, as follows:- (1) Skin Mafia; (2) Apsara wants my company; (3) Apsara Reddy' sale of girls and boys; (4) I have her PAN Number; (5) Who is not ready to have



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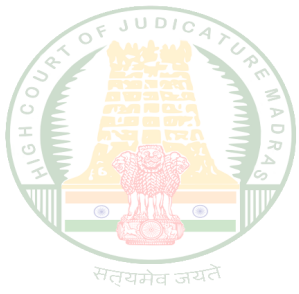
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sex with Apsara Reddy; (6) It was Apsara Reddy who told Meera Mithun to give complaint; (7) Magistrate came to prison and asked Joe to sell his company to Apsara.

ix. In the YouTube video dated 20/09/2019 seen in the link "<https://www.youtube.com/watch?v=ADLDPjRf0Ag>" "ஆண்களை வைத்து பிஸ்னஸ்" (Business involved in men) Joe Michael about Apsara Reddy Issue" the 1st Defendant has used phrases and words to maliciously defame the Plaintiff, by stating that "Apsara Reddy organizes gay parties".

x. In the YouTube video dated 15/09/2019 the "<https://www.youtube.com/watch?v=TGZThd1Zlr4&t=1s>" title “மீரா மித்ரன் போலீஸ் ஸ்டேஷனுக்கு ர மாட்டேங்கிறாங்க” (Meera Mithun not is not coming to the Police Station) | Jo Michael Meera Mithun | Jo Michael Apsara Reddy the 1st Defendant has defamed the Plaintiff by falsely alleging that the Defendant was given threat to life by the Plaintiff. He falsely alleges that the Plaintiff is the main instigator behind one Mrs. Meera Mithun who has some sort of dispute between the Defendant.

xi. In the YouTube 15 video dated 17/09/2019 the "<https://www.youtube.com/watch?v=mLb5ig5bXKI>" - "Joe Michael's Recent Update | Apsara Reddy | Meera Mitun issue"



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the 1* Defendant falsely alleges that the Plaintiff was conspiring for a murder along with one lady actor by name Mrs.Meera Mithun; and that police filing false case against him on the instigation of the Plaintiff and the Defendant was further instigating the public to send allegations against the Plaintiff to the Congress party and to Mr.Rahul Gandhi and force the Plaintiff to be removed from Congress party.”

Because of the defamatory articles surfaced in the YouTube, the programme wherein the plaintiff, was invited to speak on the topic of 'Women Empowerment' on 19.12.2020 was cancelled. Similarly, several important programmes of the plaintiff has been cancelled because of the defamatory statements uploaded in the YouTube. Due to defamatory videos posted by the first defendant, the plaintiff was put through mental agony and depression and had to go for many sessions of counselling with a psychologist. Therefore, the plaintiff quantified damage, loss and hardships caused by the defamatory, libellous and slanderous videos published and circulated by the first defendant at Rs.1,25,00,000/-. Hence, the suit.

3. Despite service of notice, none appeared for the first defendant.



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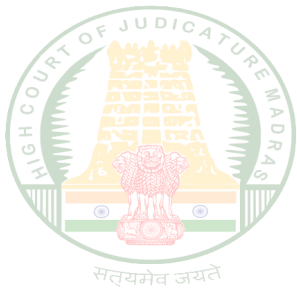
Hence, the first defendant was set exparte. As there is no relief claimed

against the second defendant, no issue arise as against the second defendant.

4. Plaintiff has been examined as P.W.1 and Ex.P.1 to Ex.P.25 have been marked.

P.W.1 – Ms.Apsara Reddy

<i>S.No.</i>	<i>Date</i>	<i>Description of documents</i>	<i>Exhibit</i>
1.	08.01.2019	Article published e-Paper of India Today	P-1
2.	08.01.2019	Article published in e-Paper of Mumbai Mirror	P-2
3.	00.01.2019	Interview of the plaintiff in the Website www.DW.com	P-3
4.	27.01.2019	Article published in e-Paper of Deccan Herald	P-4
5.	07.02.2019	Article published in e-Paper of Times of India	P-5
6.	12.02.2019	Website of BBC containing the article of the plaintiff	P-6
7.	08.03.2019	Article published in e-Paper of The Print	P-7
8.	17.03.2019	Article published in e-Paper of the New Indian Express	P-8
9.	21.07.2019	Article published in e-Paper of 'Daily O'	P.9

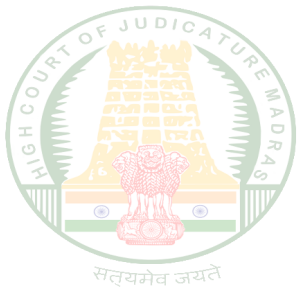


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<i>S.No.</i>	<i>Date</i>	<i>Description of documents</i>	<i>Exhibit</i>
10.	21.07.2019	Article published in e-Paper 'She the People	P.10
11.	19.09.2019	Article published in e-Paper 'Deccan Chronicle'	P.11
12.	21.11.2019	Article published in e-Paper 'Forbes India	P.12
13.	--	24 Photos along with CD	P.13
14.	--	Pendrive containing the downloaded copy of 10 YouTube Videos	P.14
15.	21.09.2019	Gist of Charge sheet in C.C.No.1052 of 2020	P.15
16.	26.09.2020	Receipt No.5076 issued by Dr.Mini Rao for payment of Doctor fee	P.16
17.	05.10.2020	Receipt No.5081 issued by Dr.Mini Rao for payment of Doctor fee	P.17
18.	11.10.2020	Receipt No.5086 issued by Dr.Mini Rao for payment of Doctor fee	P.18
19.	17.10.2020	Receipt No.5089 issued by Dr.Mini Rao for payment of Doctor Fee	P.19
20.	20.01.2021	Doctor Certificate issued to the plaintiff by Dr.Mini Rao	P.20
21.	01.12.2020	Letter issued by the employer of Mr.R.Mohan, Resident Editor of Deccan Chronicles	P.21
22.	10.02.2020	Letter issued by the Director Admin. Of Dr.MGR Janaki College of Arts and Science for Women	P.22
23.	19.02.2020	The letter issued by the Director Admin. Of Dr.MGR Janaki College of Arts and Science for Women	P.23



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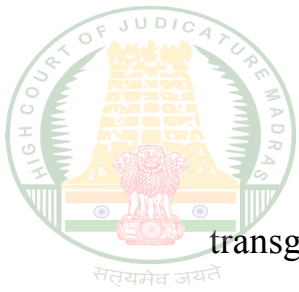


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<i>S.No.</i>	<i>Date</i>	<i>Description of documents</i>	<i>Exhibit</i>
24.	02.12.2021	A copy of the letter sent to the second defendant through SPAD together	P.24
25.	30.01.2022	Downloaded copy of the contact details of the second defendant as given in the website	P.25

5. The plaintiff has stated in the evidence that since the YouTube videos have been removed and the plaintiff is not claiming any relief against the second defendant.

6. The learned counsel appearing for the plaintiff submitted that due to uploading of the defamatory videos published and circulated in the social media by the first defendant, which are toughing upon the privacy of the plaintiff and the social and political status of the plaintiff had been hugely damaged and the loss and damage caused by such an act and mischief of the first defendant cannot be quantified in any manner. Ex.P.1 to Ex.P.8 articles published in various news papers have been filed to show that articles published in the newspapers with regard the plaintiff. Ex.P.10, 11, 12 are the various articles wherein the plaintiff has been exposed the cause of



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transgender. Ex.P.14 is the pendrive contained the downloaded copy of the
10 YouTube videos along with certificate under section 65B under I.E. Act.

The nature of videos also clearly exposes the humiliating statements also explained by the plaintiff in her evidence.

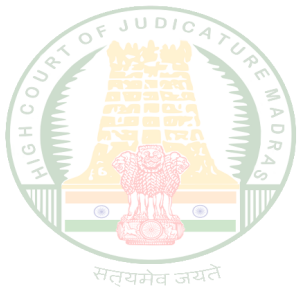
7. A perusal of the entire defamatory statements particularly the contents in the videos, which is also extracted in the plaint, the statements are nothing but malicious and defamatory touching upon the privacy of any individual. Merely because a person has a right to post in YouTube, he cannot cross his limit encroaching upon the privacy of others. Though the publication is a right, such a right is subject to reasonable restrictions and cannot be encroached upon the privacy of others. When such statements are surfaced, particularly in social media like YouTube touching upon the character, behaviour and personal life of any individual, it will have serious impact in that particular area. The very statements surfaced in the Youtube videos Ex.P.14, makes it clear that the same are objectionable and malicious statements have been made without any semblance of truth. Such statements are defamatory in nature with malicious content. In such view



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of the matter, this Court is of the view that the first defendant is liable to pay

the damages. Ex.P.2 has been filed to show that the plaintiff has also undergone treatment at the relevant point of time Ex.P.21, Ex.P.22, Ex.P.23 indicate that due to such defamatory statements made against the plaintiff, the programme fixed for the plaintiff has been cancelled. Such an act is nothing but clear humiliation to the plaintiff. This has happened only because of the objectionable contents posted by the first defendant. Hence, though the entire damages claimed cannot be granted, considering the nature of videos uploaded and the plaintiff who was in limelight and had got very good reputation and was exposing cause of transgender and gender equality and the plaintiff has been invited by the top most leaders in politics, and the plaintiff has also given opportunity to speak in a foreign soil. The reputation of the plaintiff has been lowered to such a level that many of the programmes of the plaintiff has been cancelled abruptly. Cancellation of such programmes abruptly is mainly because of the circulation of the malicious contents in the social media. All these factors clearly indicate that though the damages cannot be certain, the plaintiff has to be compensated atleast for a sum of Rs.50 lakhs.



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8. Accordingly, the suit is decreed for a sum of Rs.50,00,000/-

[Rupees fifty lakhs only] which is payable by the first defendant with costs.

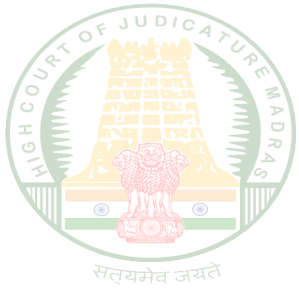
As far as the second defendant is concerned, as the contents uploaded in the YouTube has been removed by the second defendant and the plaintiff has also given up the relief sought against the second defendant, the suit against the second defendant is dismissed. However, at the same time it is high time for the second defendant to probe and bring a allowing malicious content atleast in future.

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