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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 26TH DAY OF NOVEMBER 2024 / 5TH AGRAHAYANA,

1946

CRL.MC NO. 1850 OF 2019

AGAINST THE ORDER/JUDGMENT DATED IN CC NO.443 OF 2018
OF JUDICIAL MAGISTRATE OF FIRST CLASS -III, KOZHIKODE

PETITIONERS/ACCUSED NO.1 TO 6:

- 1 BHARAT PRAKASHAN (DELHI) LTD.,
SANSKRIT BHAVAN, 2322, LAXMI NARAIN STREET,
PACHARGENJ, NEW DELHI - 110 055, REPRESENTED BY
ITS MANAGING DIRECTOR.
- 2 ALOK KUMAR,
AGED 67 YEARS
MANAGING DIRECTOR, BHARAT PRAKASHAN (DELHI) LTD.,
SANSKRITI BHAVAN, 2322, LAXMI NARAIN STREET,
PAHARGENJ, NEW DELHI - 110 055.
- 3 BIHARI LAL SINGH,
AGED 58 YEARS
DIRECTOR AND PUBLISHER (ORGANISER), BHARAT
PRAKASHAN (DELHI) LTD., SANSKRITI BHAVAN, 2322,
LAXMI NARAIN STREET, PAHARGENJ, NEW DELHI - 110
055.
- 4 PRAFULLA KETHAR,
AGED 42 YEARS
EDITOR (ORGANISER), BHARAT PRAKASHAN (DELHI)
LTD., SANSKRITI BHAVAN, 2322, LAXMI NARAIN
STREET, PAHARGENJ, NEW DELHI - 110 055.
- 5 GANESH KUMAR T.,



AGED 29 YEARS
SUB EDITOR (ORGANISER) BHARAT PRKASHAN (DELHI)
LTD., SANSKRITI BHAVAN, 2322, LAXMI NARAIN
STREET, PAHARGENJ, NEW DELHI - 110 055.

- 6 NISHANT KUMAR AZAD,
AGED 31 YEARS
SUB-EDITOR CUM REPORTER, BHARAT PRAKASHAN (DELHI)
LTD., SANSKRITI BHAVAN, 2322, LAXMI NARAIN
STREET, PAHARGENJ, NEW DELHI - 110 055.

BY ADVS.
SASTHAMANGALAM S. AJITHKUMAR
SRI.V.S.THOSHIN

RESPONDENTS/COMPLAINANT/STATE:

- 1 C.P.MOHAMMED BASHEER,
S/O.KUNHIKOYAMU HAJI, CHITTAKATH POTTAMMAL HOUSE,
EDAKKULAM, TIRURANGDI, GENERAL SECRETARY, POPULAR
FRONT OF INDIA, KERALA STATE COMMITTEE, UNITY
HOUSE, KOZHIKODE - 4, REPRESENTING POPULAR FRONT
OF INDIA, SOCIETY REGISTERED UNDER THE SOCIETIES
REGISTRATION ACT 1960, REG.NO.2/226/DIST
SOUTH/2010, SOUTH DISTRICT GOVERNMENT OF NCT,
DELHI.
- 2 THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM - 682 031.

BY ADV SRI.E.A.HARIS

OTHER PRESENT:

SRI.SANGEETHARAJ.N.R, PP

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
26.11.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**'CR'****P.V.KUNHIKRISHNAN, J****-----
Crl.M.C. No.1850 of 2019
-----****Dated this the 26th day of November, 2024****ORDER**

The petitioners are accused in C.C.No.443/2018 on the file of Judicial First Class Magistrate Court-III, Kozhikode. It is a prosecution initiated against the petitioners by the 1st respondent, alleging offences punishable under Sections 499 and 500 of the Indian Penal Code. The 1st respondent is the General Secretary of an organization by the name "Popular Front of India", and he is representing the above society.

2. The gist of the allegation against the petitioners is that in the publication by the name "Organizer" dated 17.09.2017 an article was published stating that the 'Popular Front of India' is a new 'avatar' of banned SIMI. It is also stated that, it is a co-speakers by its nefarious presence in love jihad. It is also stated in the complaint that



this society undertook Jammu and Kashmir terrorist recruitment in 2008, Bangalore Serial Blasts, Hand Chopping of Professor T.J.Joseph etc. The gist of the article is extracted in paragraph 7 of Annexure A complaint. Hence it is alleged that the same is defamatory to the 2nd respondent.

3. Heard the learned counsel for the petitioners and the 1st respondent. I also heard the learned Public Prosecutor.

4. First of all, it is a fact that, the Popular Front of India is a banned organization in the country. The Ministry of Home Affairs, as per S.O. 4559(E) dated 27.09.2022, declared that the Central Government, having regard to the circumstances mentioned in the above order, in exercise of the powers conferred by sub-section 1 of Section 3 of the Unlawful Activities (Prevention) Act, 1967, declared the Popular Front of India and its associates or affiliates or fronts including Rehab India Foundation, Campus Front of India, All India Imams Council, National Confederation of Human Rights Organization, National Women's Front, Junior



Front, Empower India Foundation and Rehab Foundation, Kerala as an “unlawful association”. Therefore, admittedly, the Popular Front of India is a banned association in India. Hence it cannot be said that there is defamation to a banned association because of certain publication by the petitioners.

5. Section 499 of the Indian Penal Code says that 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. Section 11 of the Indian Penal Code defines the word ‘person’ as including any company or association or body of persons, whether incorporated or not. Therefore, the Popular Front of India may come within the definition of ‘person’ as defined in Section 499 of the Indian Penal Code. But when ‘the Popular Front of India’ itself is banned in India by the Central Government, such a banned association will not come within the purview of Section 499 of the Indian Penal Code,



because, a banned association has no legal entity. For that simple reason, I am of the considered opinion that the prosecution against the petitioners is to be quashed.

6. Moreover, this Court perused the article published by the petitioners, which according to the 1st respondent is defamatory. These are only some of the allegations against the Popular Front of India which is available in the public domain at that stage. Subsequently, the Popular Front of India itself was banned by the Central Government for the reasons mentioned in the order of banning. In such circumstances, according to me, a complaint of defamation against the petitioners will not stand from a banned organization.

Therefore, this Crl.M.C is allowed. All further proceedings against the petitioners in C.C.No. 443/2018 on the file of Judicial First Class Magistrate Court-III, Kozhikode, are quashed.

Sd/-
P.V.KUNHIKRISHNAN
JUDGE



APPENDIX OF CRL.MC 1850/2019

PETITIONERS ANNEXURES

ANNEXURE A

**CERTIFIED COPY OF THE COMPLAINT IN
C.C.NO.443/2018 PENDING ON THE FILE OF
THE JUDICIAL MAGISTRATE OF FIRST CLASS
COURT-III, KOZHIKODE.**