

Sentencia Civil Juzgado de Primera Instancia - Madrid, Sección 34, Rec 164/2010 de 07 de Julio de 2011

- **Orden:** Civil
- **Fecha:** 07 de Julio de 2011
- **Tribunal:** Juzgado de Primera Instancia - Madrid
- **Ponente:** Fontan Silva, Eduardo Jose
- **Núm. Recurso:** 164/2010
- **Núm. Cendoj:** 28079420342011100001
- **Núm. Ecii:** ES:JPI:2011:48

Resumen:

DERECHO AL HONOR.- Personajes de ficción, que dentro del guión argumentativo, profieren expresiones objetivamente injuriosas.- **Carácter satírico,** que diluye la virtualidad objetivamente difamatoria.-

Se desestima la demanda sobre reclamación de cantidad.

El juzgado declara que en relación con el contexto, debe tenerse presente, desde luego, el marco y el medio en que se vierten las expresiones y se realizan las acciones presuntamente atentatorias del derecho al honor; se trata de un episodio de una serie emitida por televisión digital y a través de la página web de la cadena de televisión demandada en el que, dentro del guión argumentativo, son los personajes los que profieren las expresiones objetivamente injuriosas, siempre como una ficción de entretenimiento, y con finalidad satírica.

Con independencia de que aquel objetivo y esta finalidad se logren o no, y con independencia de la mayor o menor fortuna, acierto e, incluso, adecuación a las conveniencias sociales y al buen gusto que quepa reconocer al contenido del capítulo difundido, no puede soslayarse el carácter ficticio de la parodia, que los mismos protagonistas se cuidan de resaltar.

El carácter satírico, por más que la sátira sea burda, soez incluso, y descarnada, y, sobre todo, el marco de ficción en que se desenvuelven las acciones y las expresiones proferidas, diluyen la virtualidad objetivamente difamatoria y vejatoria de las expresiones proferidas y de las acciones ejecutadas, que no son sino la interpretación de un guión más o menos acertado en su concepción y ejecución.

Sentencia Civil La

Edoard Bonnier



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