

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA No. 1174 of 2014
Date of Decision : 19.11.2015

Gurmail SinghAppellant

Versus

Ranjit Singh and othersRespondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.S. Syan, Advocate
for the appellant.

Surinder Gupta, J.

Appellant-Gurmail Singh filed suit seeking recovery of ₹ 5 lacs as damages in compensation for his malicious prosecution, which was dismissed by the Courts below.

2. In later part of the judgment, the parties will be referred as 'plaintiff' and 'defendants' as per the civil suit.

3. The facts giving rise to filing of the suit by plaintiff are that he faced prosecution in complaint filed by Ranjit Singh-defendant no. 1 against him for offences punishable under Sections 499 and 500 of Indian Penal Code (IPC). Plaintiff alleged that criminal complaint was filed by Ranjit Singh in connivance with his wife Harjit Kaur-defendant no. 2 and Pramdev Singh Jeji-defendant no. 3. The complaint was dismissed on 01.02.2006. The plaintiff alleged that he had faced mental and physical torture resulting in harassment, loss of business and harm to his reputation. Defendants no. 2 and 3 did not contest the claim of plaintiff and were proceeded *ex parte*.

4. Defendant no. 1 contested the claim of plaintiff *inter*

alia pleading that he had filed a complaint *bonafidely* on the basis of probable and reasonable causes, without any oblique motive, ill will or *malafide* intention. The complaint was not dismissed with the observation that it was false rather the Court had held that the complainant has not been able to prove his case beyond any shadow of doubt. All the averments in plaint were contested, controverted and denied.

5. Learned Civil Judge (Jr. Division), Patiala on appraisal of evidence on record concluded that defendant no. 1 instituted a complaint with *bonafide* belief and nurturing a genuine grievance regarding the damage to his reputation due to imputations by plaintiff against him. Defendant no. 1 had filed the complaint with the allegation that the plaintiff was circulating imputations against his character with the allegation that he (defendant no. 1) had illicit relations with Harjit Kaur wife of the plaintiff. A complaint (Ex. D-2) to this effect was addressed by the plaintiff to Chief Minister, Punjab; Governor, Punjab; Director General of Police, Punjab; Deputy Inspector General of Police, Patiala; Deputy Commissioner, Patiala; Senior Superintendent of Police, Patiala; Chief Inspector, Police Station, Sadar, Patiala; Deputy Inspector General of Police (Crime), Chandigarh and Committee of Ranjit Nagar, Sirhind Road, Patiala. In the complaint (Ex. D-2), the plaintiff had levelled allegations of illicit relations between Ranjit Singh and his wife Harjit Kaur. He had also alleged therein that both used to come to his house and indulged in illicit activities. Trial Court has acquitted the plaintiff giving him the benefit of doubt. The Court observed that defendant no. 1 had

reasonable and probable causes to institute the complaint for his defamation against the plaintiff.

6. In order to claim damages on account of his malicious prosecution, the plaintiff was required to prove that defendant no. 1 had act maliciously against him with oblique motive. In view of the allegations being levelled by the plaintiff against character of defendant no. 1 and imputing that he had illicit relations with his wife and indulged in illicit activities with her at his residence, there were genuine and probable causes for defendant no. 1 to allege his defamation. The standard of proof required before the criminal Court to procure conviction is stricture. The complainant has to prove his allegations beyond any shadow of doubt. Mere fact that the plaintiff was acquitted giving him the benefit of doubt is no reason to believe his version in a suit claiming damages pleading malicious prosecution. Both the Courts below have rightly observed that the averments of malice while filing a criminal complaint against the plaintiff is missing, as such, the plaintiff is not entitled to any compensation.

7. On perusal of judgments of both the Courts below I find no legal or factual infirmity therein calling for any interference. No substantial question of law requiring determination arises in this appeal, which has no merit.

Dismissed.

November 19, 2015
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(SURINDER GUPTA)
JUDGE