

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RSA No.3442 of 2016 (O & M)
Date of Decision:28.08.2018

Sulakhan Singh

...Appellant

Versus

Sardool Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None.

ANIL KSHETARPAL, J.

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the Courts below while dismissing his suit for recovery of Rs.2,00,000/- damages for malicious prosecution.

Plaintiff claims that he is a rickshaw puller and falsely implicated in a criminal case initiated by Hari Singh. Defendant No.1 is son of Hari Singh. Defendants contested the suit and pleaded that the plaintiff has only been given benefit of doubt in the criminal case and there is no finding that the plaintiff was falsely implicated.

Both the Courts after appreciating the evidence have found that the plaintiff has failed to prove his case. It is well settled that mere registration of case and ultimate acquittal in the same on the ground of benefit of doubt does not give rise to conclusion that the accused has been maliciously prosecuted.

Both the Courts recorded a concurrent finding that the plaintiff failed to prove, how criminal case registered was result of malicious prosecution. Plaintiff has not led any evidence except his own bald statement. Plaintiff has also placed on file, copy of the judgment passed by

the Court in the criminal case. In the considered opinion of this Court, such evidence is not sufficient to prove that the plaintiff was entitled to damage for malicious prosecution.

In the grounds of appeal, learned counsel for the appellant has proposed following questions of law:-

“(i) Whether the suit of the appellant is liable to be decreed keeping in view the evidence on record?

(ii) Whether the findings of the learned courts below on the issues framed with respect to the malicious prosecution of the appellant are perverse and are liable to be set-aside?

(iii) Whether under the given set of evidence adduced by the appellant, the appellant has sufficiently proved the harassment, humiliation, irreparable loss, malicious on the part of the respondents to be entitled for the compensation/damages as prayed for in the suit?

(iv) Whether grave and manifest injustice has been caused to the appellant in the matter?”

On careful examination of aforesaid question, it is apparent that none of the question proposed is a question of law.

In view thereof, there is no ground to interfere.

Regular second appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

28.08.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No