

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

RSA No. 6363 of 2017
Date of decision : July 31, 2018

Binder Kaur

..... Appellant

v.

Sohan Lal

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. JS Grewal, Advocate
for the appellant.

Ajay Tewari, J (Oral)

This appeal has been filed against the judgment of the lower appellate Court reversing that of the trial Court and thereby dismissing the suit for damages for malicious prosecution which was filed by the appellant against the respondent.

Brief facts are that FIR No.14 dated 11.01.2003 was lodged against the appellant under Sections 420, 467, 468, 471 of the IPC on a complaint made by the respondent wherein she was acquitted vide judgment dated 18.5.2010. The instant suit was admittedly filed on 12.11.2011. The trial Court decreed the suit but the lower appellate Court reversed the decree and that is how the appellant is before this Court.

The lower appellate Court held that the complaint was filed against two persons, the other accused was convicted while the appellant was acquitted by giving her benefit of doubt. In view thereof, the Court

held that the appellant could not prove that the respondent had prosecuted her with malice. The lower appellate Court noticed that the complaint made by the respondent was that one Gurdev Singh had misappropriated government funds in connivance with the appellant and Thana Singh and once Gurdev Singh was convicted it could not be said that the complaint was entirely false. The lower appellate Court also noticed that under Article 74 of the Limitation Act, the suit could have been filed within one year of acquittal i.e upto 17.5.2011 but the suit was actually filed on 12.11.2011, and also held it to be beyond limitation. I am not persuaded that the lower appellate Court erred in any manner. Consequently, this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

July 31, 2018
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No