

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

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**RSA No. 6415 of 2017 (O & M)**  
**Date of decision : 6.3.2019**

**Prem Singh (deceased) through LRs.****.....Appellants****v.****Bimla Devi and another****.....Respondents****CORAM HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Ashwani Bakshi, Advocate, for the appellants

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**AMIT RAWAL, J.**

The appellants/plaintiff was not successful in seeking damages of Rs.5 lakhs along with interest @ 18% per annum against the defendants on account of malicious prosecution and defamation.

It was alleged that defendant No.1-wife of the defendant No.2 unnecessarily roped the plaintiff in a private criminal complaint of outraging her modesty under Sections 323, 452, 354, 506/34 IPC, resulting into acquittal after undergoing the horrendous trial of 11 years. The plaintiff suffered a heart attack and later on died.

Mr. Bakshi, learned counsel for the appellants submits that once the criminal Court categorically gave the finding with regard to the false implication, it is a fit case where the plaintiff was liable to be awarded damages.

I have heard the learned counsel for the appellants and of the view that there is no force in the argument of learned counsel

The judgment of acquittal could not suffice discharging the onus, for, judgment of the criminal case cannot be a ground for seeking damages

and the plaintiff has to be led independent evidence to prove the damages

regarding the loss of mental balance, business and position in the society he had suffered. In the absence of the same, the testimony of Dr. V.K. Katyal, Cardiologist would be of no significance. This view of mine is supported by the ratio decidendi culled out in the judgment of Hon'ble Supreme Court in 'West Bengal State Electricity Board v. Dilip Kumar Ray, 2007 AIR SC 976'.

Learned counsel for the appellant fails to show any illegality or perversity in the impugned judgment and decree.

In view of the above, the suit was inevitably liable to be dismissed.

RSA is dismissed.

(AMIT RAWAL)  
JUDGE

6.3.2019  
*Ashwani*

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|-------------------|--------|
| Speaking/Reasoned | Yes/No |
| Reportable        | Yes/No |