

2024:PHHC:056052

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

RSA-5154-2019 (O&M)
Date of decision: 24.04.2024

Darshan Singh

....Appellant

Versus

Punjab State and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Kanwar Abhay Singh, Advocate for the appellant

Mr. Kanav Singla, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. This is the plaintiff's regular second appeal against the concurrent findings of fact arrived at by the courts below, while dismissing his suit for recovery of Rs.20,00,000/- as compensation on account of malicious prosecution. At the relevant time, the appellant was working as Assistant Labour Commissioner. An FIR under the Prevention of Corruption Act, 1988 was registered against the appellant. On completion of the investigation, challan was presented. But the appellant was acquitted by giving him the benefit of doubt. Thereafter, the appellant filed the present suit. It is the case of the appellant that at one stage, Senior Superintendent of Police did not find sufficient material to prosecute the appellant but thereafter, the final report was submitted. In the opinion of the Court, this fact is not sufficient to hold that the Government officials maliciously prosecuted the appellant. For succeeding in a suit for compensation, the plaintiff is required to prove that the prosecuting agency has maliciously prosecuted him without any

reasonable cause. In the absence thereof, it is not appropriate to decree the suit.

2. It may be noted here that both the courts below have also held that the plaintiff filed the suit beyond the period prescribed under the Limitation Act, 1963.

3. Keeping in view the aforesaid facts, no ground to interfere is made out.

4. Hence, dismissed.

5. All the pending miscellaneous applications, if any, are also disposed of.

24.04.2024

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE