



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-225-2022 (O&M)

Date of Decision:07.05.2025

VEERPAL KAUR

. . . .APPELLANT

Vs.

THE STATE OF PUNJAB AND OTHERS

. . . . RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Dr. Anju Sharma, Advocate, for the appellant.

Mr. Animesh Sharma, Addl. A.G., Punjab.

DEEPAK GUPTA, J.

Suit for recovery of compensation and damages to the tune of ₹50 lakh for malicious prosecution, filed by the plaintiff (*appellant herein*), was dismissed by the trial Court on 16.04.2018 and the appeal filed by her was dismissed by the First Appellate Court on 18.05.2019. Against these concurrent findings, the plaintiff has approached this Court by way of the present Regular Second Appeal.

2. Learned counsel for the appellant-plaintiff has been heard at a considerable length and paper-book has been perused.

3.1 Defendant No.6 is the husband, defendant No.5 is the brother-in-law and defendant No.7 is the wife of brother-in-law of the plaintiff. It was alleged by the plaintiff that her in-laws were harassing her by demanding dowry and further pressurizing her to get her marriage with defendant No.6 dissolved by way of decree of divorce through mutual consent, to which she had not agreed and due to which, she was being threatened to be implicated in a false case.

3.2 It was further alleged by the plaintiff that at the instance of her in-laws, she was implicated in a false criminal case for the murder of nephew of

her husband Labh Singh vide FIR No.56 dated 14.06.2011 registered at Police Station Sangat under Sections 302 & 201 IPC. She was arrested and faced trial. Defendants No.3 to 7 had appeared as witnesses in that case so as to depose falsely to secure her conviction, but ultimately she was acquitted from the charges on 07.06.2012. It was contended further that due to her false implication, she had to spend a lot of amount to defend her. She was confined in jail for a considerable time and as such, she was entitled for compensation for malicious prosecution.

3.3 Defendants opposed the claim.

4. Necessary issues were framed. Evidence produced by the parties was taken on record and ultimately, the suit of the plaintiff was dismissed and appeal was also dismissed.

5. Assailing the findings, learned counsel contends that evidence on record has not been properly appreciated by the Courts below.

6. This Court does not find any merit in the aforesaid contention. As rightly noticed by the first Appellate Court that in order to succeed in an action for seeking damages for malicious prosecution, plaintiff is required to prove the following ingredients: -

- That plaintiff was prosecuted by the defendant.
- That the proceedings complained of terminated in favour of the plaintiff.
- That prosecution was instituted against the plaintiff without any reasonable and probable cause; and
- That it was due to malicious intention of the defendant and not with a mere intention of carrying the law into effect.

These ingredients have been spelt out by Hon'ble Privy counsel in ***Bal Bahadur Singh Vs. Badri Shah, AIR 1926 PC 46.***

7. It was found that though plaintiff-appellant was tried for murder of Sewak Singh, the nephew of her husband Labh Singh in a case arising out of FIR

No.56 dated 14.06.2011 registered at Police station Sangat under Sections 302 & 201 IPC, in which she had to remain in custody for considerable time and ultimately, she was acquitted on 07.06.2012, but the plaintiff failed to prove that she was prosecuted without any reasonable and probable cause; and that action of the defendants was malicious and not with an intention of carrying the law to effect.

8. To arrive at the aforesaid conclusion, the Appellate Court observed that the plaintiff even failed to step into the witness box to face the cross-examination, though the case remained pending for her evidence for nearly one year, during which as many as 16 effective opportunities were availed by her. She had moved an application for additional evidence which was declined, but no effort was made to assail the order dated 31.08.2017, whereby her evidence was closed nor any appeal was preferred against the order dated 12.01.2018, whereby the application for additional evidence was dismissed.

9. The First Appellate Court rightly observed that in the absence of cross-examination of the plaintiff, her testimony remained incomplete and could not be taken into consideration.

10. The Courts below have rightly concluded that in the circumstances, it cannot be said that plaintiff-appellant was prosecuted without any reasonable and probable cause; or that due to malicious intention on the part of the defendants.

11. This Court does not find any ground to interfere in the well reasoned concurrent findings of facts as recorded by the Courts below. There is neither any illegality nor perversity in appreciating the evidence on record. As such, holding the present appeal to be devoid of any merit, the same is hereby dismissed.

07.05.2025

Vivek

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned?	Yes
Whether reportable?	No