



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

(111)

RSA-3426-2025 (O&M)
Date of Decision:-**12.02.2026**

Tota Singh

... Appellant

Versus

Nathiya Devi @ Bina Devi and Another

... Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Kirat Pal Dhaliwal, Advocate
for the appellant.

VIRINDER AGGARWAL, J. (Oral)

CM-12506-C-2025

The application is allowed in terms of the prayer clause,
subject to all just and lawful exceptions.

CM-12505-C-2025

For the reasons stated in the application, the delay of 29 days
in instituting the appeal is condoned, subject to all just exceptions.

Accordingly, the application is disposed of.

Main Case

1. The present appeal has been instituted by the
appellant/plaintiff assailing the judgment and decree whereby the learned
District Judge, Sangrur, allowed the appeal preferred by the
respondent/defendant and consequently set aside the well-reasoned



judgment rendered by the learned Additional Civil Judge (Senior Division), Moonak.

2. Briefly stated, the appellant/plaintiff instituted a suit for recovery of damages along with interest on account of alleged malicious prosecution and defamation. The grievance arises from FIR No. 135 dated 06.11.2006, registered under Section 306 read with Section 34 of the Indian Penal Code at Police Station Moonak at the instance of defendant No. 1, Nathiya Devi @ Bina Devi, against Geena Devi and others on allegedly false and fabricated facts.

2.1. Upon investigation, the allegations were found to be unsubstantiated and a cancellation report was submitted, which was accepted and treated as complaint by the learned Illaqa Magistrate. Trial resulted into acquittal. It is further alleged that the defendants made defamatory statements against the appellant/plaintiff and others.

2.2. As a consequence of the said criminal proceedings, the appellant/plaintiff was constrained to move a bail application, arrange for sureties, and incur substantial expenditure. He was further required to face trial before the learned Additional Sessions Judge, Sangrur, and after undergoing the ordeal of trial for nearly three years, he was ultimately acquitted. Consequently, the present suit for compensation along with interest came to be instituted.

3. The defendants contested the suit by filing a written statement, wherein all material allegations were denied. It was specifically averred that the FIR in question had been lodged on true and correct facts. It was further pleaded that statements were duly recorded, and upon due



appreciation of the evidence on record, the appellant/plaintiff and others were rightly summoned, and that no case of malicious prosecution was made out.

4. On the basis of the respective pleadings of the parties, the learned trial Court framed the following issues on 07.03.2017:-

1. *Whether plaintiff is entitled to recovery of damages from the defendants along with interest as prayed for? OPP*
2. *Whether the present suit is not maintainable ? OPD*
3. *Whether the plaintiff has concealed material facts, If, so its effects ? OPD*
4. *Relief.*

5. Upon the framing of issues, both parties were afforded adequate and sufficient opportunity to lead evidence in support of their respective stands. After appreciating the entire material available on record, the learned trial Court decreed the suit and awarded compensation to the tune of ₹1,00,000/- per annum along with pendente lite and future interest at the rate of 6% per annum.

6. Aggrieved thereby, the respondent/defendant preferred an appeal, which came to be allowed by the learned District Judge, who held that the appellant/plaintiff had failed to establish either malicious prosecution or that his reputation had been tarnished in the estimation of the general public.

7. Assailing the said judgment and decree, the present appeal has been preferred. Learned counsel for the appellant has contended that the learned First Appellate Court has misread and misinterpreted the evidence on record and has returned findings based on surmises and conjectures.



8. I have heard learned counsel for the appellant at length and have minutely perused the paper-book.

9. The judgment rendered by the learned District Judge, Sangrur, is well-reasoned and does not call for interference. The prosecution was initiated against the appellant/plaintiff on the basis of a suicide note allegedly left by the deceased. The acquittal of the appellant/plaintiff was recorded by extending to him the benefit of doubt, as it is trite that the prosecution is required to establish a criminal charge beyond reasonable doubt. There is no finding to the effect that the prosecution was false.

10. Moreover, there is no material on record to demonstrate that Smt. Nathia Devi acted without reasonable and probable cause or that her actions were actuated by malice. Following the death of her husband, a suicide note was recovered and handed over by her to the police, wherein allegations were levelled against Tota Singh, Jeena Devi, and Arjit Singh to the effect that they had subjected the deceased to harassment. On the basis of the said note, the FIR was registered. In the circumstances, there existed sufficient grounds for Smt. Nathia Devi to set the criminal law into motion.

10.1. There is nothing on record to substantiate the plea that her actions were driven by malice. Furthermore, the acquittal of the appellant/plaintiff on account of benefit of doubt does not ipso facto establish that the allegations were false. The Hon'ble Supreme Court in *A. Abdul Rashid Khan (Dead) And Ors. vs P.A.K.A. Shahul Hamid and Others, 2000 (10) SCC 636* has drawn a clear distinction between the expressions "not proved" and "false," holding that mere failure to prove a fact does not necessarily render it false. Similarly, this Court in *Anuj Bajaj*



versus State of Haryana and others bearing CWP No.3427 of 2016, has held that inability to prove a case beyond reasonable doubt does not, by itself, establish false implication or malicious prosecution.

10.2. In view of the foregoing discussion, no merit is found in the present appeal, which is accordingly dismissed.

11. In consequence of the final adjudication of the principal matter, all pending miscellaneous applications, if any, also stand disposed of. No further orders are called for in that regard.

12.02.2026
Gaurav Sorot

(**VIRINDER AGGARWAL**)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No