* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Reserved on: 25th February, 2026***

Pronounced on: 26th May, 2026

\+ **RFA 230/2024, CM APPL. 20530/2024**

RENU GOEL

W/O Sh. Arun Goel
R/O B-42, Ground Floor,
Overseas Apartment,Sector-7, Rohini, Delhi. .....Appellant

Through: Mr. Gobind Malhotra, Mr. RehanSaifi, Mr. Gurpreet Singh, Mr. MayurVats and Ms. Namrata Malhotra,Advocates.

versus

ARUN GOEL

S/O Late SH. Puran Chand Goel
R/O H.No.10, Pocket- D-12,
First Floor, Sector-7, Rohini, Delhi. .....Respondent

Through: Mr. A.K. Suri, Ms. MeenakshiChodhary, Mr. Ankit Kansal andMr. Manoj Manderna, Advocates.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Regular First Appeal under Section 96 read with Order XLI of the Code of Civil Procedure, 1908*(hereinafter referred to as "CPC")* has been filed on behalf of the Appellant, Smt. Renu Goel, against the Judgment and Decree dated 22.12.2023, whereby the Suit bearing CS DJ No. 810/2017 filed by the Respondent/Plaintiff has been decreed for a total sum of Rs.

1,55,000/- towards ***loss of reputation and goodwill*** *of the Plaintiff;* ***damages and compensation for harassment, torture and mental agony****; and* ***towardslegal expenses incurred in defending the criminal case arising out of FIR No. 588/2001 under Sections 498A/406/34 IPC.***

2. The Plaintiff/Respondent filed a Suit bearing CS DJ No. 810/2017 for compensation and damages on account of harassment, mental agony, torture and malicious prosecution amounting to ₹10,00,000/-.

3. The ***facts in brief, as stated in the plaint*** are that Plaintiff/Respondent Arun Goel, got married to the Defendant/Appellant on 15.02.1997, according to Hindu rites and customs. One son, namely Nikunj, was born out of their wedlock on 01.06.1998. The parties, after their marriage, came to reside at Property No. A-110, Prashant Vihar, Delhi, which was jointly owned by the Plaintiff along with his elder brother, Mr. Manoj KumarGoel, and *constituted their matrimonial home*. The Plaintiff's parents, as well as the family of his elder brother, were also residing in the said house, along with the Plaintiff and the Defendant.

4. The Plaintiff claimed that soon after the marriage, on account of temperamental and behavioural issues, the Defendant/Appellant started picking up quarrels on trivial issues and behaved discourteously towards the parents, guests and the Plaintiff.

5. It was further alleged that the defendant/wife used to threaten them by calling the Police, at the drop of a hat. According to the Plaintiff, owing to the said conduct of the Defendant/Appellant, his father suffered severe grief and mental depression and ultimately succumbed thereto, on 26.09.1998.

6. It was further alleged that the Defendant/Appellant on numerous occasions,resorted to manhandling the Plaintiff and his ailing mother, and that her conduct became a constant source of insult, defamation and lowering of their prestige in society. Ultimately, it became impossible for the parties to continue residing together, in the joint family.

7. The Defendant/Appellant, aside from frequently calling the Police, also threatened the Plaintiff and his family members with false implication in criminal cases. Consequently, they were compelled to live separately, which resulted in the virtual division of their otherwise, happy joint family life.

8. The Plaintiff and his brother were allegedly constrained to sell the property in question and the sale proceeds were divided equally between them. The Plaintiff, from his share of the sale proceeds, *purchased another property bearing H. No. B-42, Ground Floor, Overseas Apartment, Sector-7, Rohini, Delhi for a total sale consideration of ₹2,99,000/- on 24.09.1999,*

9. The Defendant/Appellant has been allegedly residing, to the exclusion of the Plaintiff.She allegedly, did not permit the Plaintiff's mother to enter the said property. Consequently, the Plaintiff, the Defendant/Appellant and their son shifted to the new house, on or about 15.10.1999.

10. The Plaintiff believed that the Defendant/Appellant would mellow down with the passage of time, but according to him, she became more belligerent and started picking up quarrels, on petty issues. The Plaintiff's life became hellish, as she would constantly quarrel with him.She became cruel towards the Plaintiff and used to derive sadistic pleasure, by continuously torturing and harassing him. It was further alleged that she refused to cook meals or take care of the household chores.

11. According to the Plaintiff, there was constant interference from the parents of the Defendant/Appellant, who allegedly abetted her acts of cruelty, while constantly threatening implication of the Plaintiff in criminal cases and usurpation of his property.

12. Furthermore, the Defendant/Appellant turned the Plaintiff out of the house in October, 2000, without permitting him to take his belongings and thereafter, unlawfully occupied the property in connivance with her parents.

13. The Defendant/Appellant, in order to further harass the Plaintiff and his family members, got *FIR No. 588/2001 under Sections 498A/406/34 IPC* registered at Police Station Prashant Vihar, Delhi. It was further alleged that the Police was being pressurized by the Defendant/Appellant and her parents, to arrest the Plaintiff and his family members. However, they were granted anticipatory bail and their arrest was avoided.

14. Trial in the said FIR commenced and the mother, brother and sister-in-law of the Plaintiff were discharged at the stage of charge, *vide* Order dated 22.02.2005. However, the trial against the Plaintiff continued *for about fourteen years and ultimately culminated in his acquittal vide Judgment dated 26.05.2014 Ex. PW-1/1.*

15. The Plaintiff asserted that the Defendant/Appellant, being dissatisfied with the acquittal, preferred a *Criminal Appeal under Section 378 Cr.P.C.*, which also came to be dismissed by the learned ASJ on 05.11.2016. The Plaintiff claimed that in this manner, the Defendant/Appellant kept him entangled in false criminal proceedings, for about sixteen years.

16. The Plaintiff claimed that he had to attend Court hearings for sixteen long years, initially during the trial, arising out of FIR No. 588/2001 under Sections 498A/406/34 IPC, and thereafter, in the Appeal, because of which his entire life allegedly got ruined.

17. Further, owing to constant threats, tension and harassment arising out of the criminal proceedings, it became impossible for him to continue the joint business being run with his elder brother, Mr. Manoj Kumar Goel, in the name and style of *M/s Jai Bharat Trading Company*.Consequently, the Partnership Firm had to be closed and possession of the premises, namely Shop No. 570, Katra Ishwar Bhawan, Fatehpuri, Delhi, had to be surrendered to the landlord during the financial year 2002-2003.

18. The Plaintiff claimed that the closure of the said Firm, was on account of the frivolous litigation and harassment allegedly caused by the Defendant/Appellant, which proved to be a major setback for him and his brother, as a result whereof, their financial condition became precarious and he was unable to establish himself in any job, profession or business thereafter. It was further alleged that the Plaintiff suffered additional financial loss, on account of the expenses incurred in defending the criminal litigation.

19. The Plaintiff further explained that the Defendant/Appellant also instituted a Petition under Section 125 Cr.P.C. on 12.12.2003 along with her son, which was contested by the Plaintiff. Finally, the learned Family Court vide Order dated **18.03.2014** directed the Plaintiff to pay maintenance @ ₹2,000/- per month from 12.12.2003 till **31.12.2009**.

20. The Plaintiff claimed that the Defendant/Appellant made false representations and uttered falsehoods before the learned Family Court regarding her employment details, service records, salary and overall financial condition, but upon the correct facts coming to light, maintenance in her favour, was declined after December, 2009,on the ground that the Defendant/Appellant was employed. The Plaintiff claimed that he fulfilled his obligations and complied with the final Order of maintenance, in letter and spirit.

21. The Plaintiff further claimed that he had to defend the said frivolous litigation as well, which became an additional factor preventing him from rehabilitating himself in life.

22. The Plaintiff further alleged that the Defendant/Appellant, in her attempt to harass and cause cruelty to the Plaintiff and his family members, filed a *Civil Suit for Permanent Injunction against the Plaintiff, his elder brother and his sister-in-law in November, 2000* seeking restraint against her forcible dispossession from the property in question. *The said Suit was ultimately disposed of, on the statements of the parties on 10.11.2000.*

23. In order to defend the said case, the Plaintiff claimed that he had to incur substantial expenses, not only for himself but also for his family members and suffered mental agony, trauma, harassment and embarrassment.

24. The Plaintiff further asserted that the Defendant/Appellant was a chronic litigant and was still not satisfied, despite the aforesaid litigations.In order to further prolong the miseries of the Plaintiff, the Defendant/Appellant allegedly filed a *Suit for Declaration, Rendition of Accounts, Permanent Injunction and Mandatory Injunction in the name of Nikunj, their son*, through herself as his natural guardian and next friend, against the Plaintiff and his family members. According to the Plaintiff, the Defendant/Appellant thereby, used the son as a tool against him. *The said Suit ultimately was dismissed vide final Judgment dated 21.11.2014 after about fourteen years.*

25. The Plaintiff further claimed that on account of the frivolous litigations, he along with his mother, had to reside in a tenanted accommodation in Sector-9, Rohini at a monthly rent of ₹8,500/-. The Plaintiff claimed that he had no other accommodation or residence whatsoever, except the house which remained in the exclusive possession of the Defendant/Appellant, where she was residing along with their son.

26. The Defendant/Appellant refused to pay any rent for **occupation** of the said house, despite residing *therein* gratuitously, after having been inducted by the Plaintiff. According to the Plaintiff, her occupation of the said property had become **unauthorized** and illegal, inasmuch as she had no right, title or interest therein.

27. The Plaintiff claimed that on account of such alleged misdeeds and illegalities perpetrated by the Defendant/Appellant,*he not only suffered mental agony and hardship but his reputation and goodwill also got ruined in society and amongst his friends and relatives.*

28. Plaintiff further alleged that people had **reservations** in visiting him, lest the Defendant/Appellant created scene causing embarrassment to all concerned.*Further many persons, whose names were unknown to him*, upon hearing about the pending criminal case instituted by the Defendant/Appellant, presumed him to be a criminal and consequently **stopped giving business** to him, which ultimately led to the closure of the Partnership Firm.

29. The Plaintiff thus, claimed loss of reputation, goodwill and inability to participate in social organizations and asserted that he had suffered immense setback, solely on account of the conduct of the

Defendant/Appellant as described above. Hence, he claimed the following reliefs:

(i) *financial loss on account of closure of the Partnership Firm, ₹3,50,000/-;*

(ii) *loss of reputation and goodwill, ₹2,00,000/-;*

(iii) *damages and compensation for harassment, ₹2,50,000/-;*

(iv) *legal expenses incurred in defending the criminal litigation, ₹1,00,000/-;*

(v) *legal expenses incurred in defending the Criminal Appeal against his acquittal, ₹30,000/-; and*

(vi) *legal expenses incurred in defending the civil litigation, ₹70,000/-.*

30. ***The Plaintiff thus, claimed a Decree for ₹10,00,000/- as damages and compensation along with interest @ 18% per annum.***

31. The Defendant/Appellant in the ***Written Statement***, claimed that under Hindu Law, the husband has a personal obligation to maintain his wife and if any properties are possessed by him, the wife has a right to be maintained out of such properties, as has been held by the Hon'ble Supreme Court in *JupudyPardha Sarathy v. Pentapati Rama Krishna*, 2015 XI AD (S.C.) 574.

32. It was claimed that there was no privity of contract between the Plaintiff and the Defendant/Appellant and thus, he cannot be held liable for any kind of damages or compensation. The Suit *does not disclose any cause of action.* Furthermore, there are no documents to support the claim for damages and compensation and the *Suit is barred by limitation*. It was further claimed that *the Plaintiff had concealed the material fact* that he had filed a Divorce Petition under Section 13(1) (i-a) of the Hindu Marriage Act *vide* Petition No. 506/2000, *which got dismissed for non-prosecution.*

33. Furthermore, it was claimed that this Court had no jurisdiction to entertain the present Suit, which was barred under Section 7 of the Family Courts Act. It was therefore, asserted that the Suit of the Plaintiff was liable to be rejected.

34. ***On merits***, all the averments made in the Plaint were denied and the assertions made with regard to loss of income or expenditure were stated to be unsupported by any documentary evidence. *Thus, the Suit was liable to be dismissed.*

35. The Plaintiff in the Replication reaffirmed the assertions made in the Plaint.

36. On the basis of the pleadings, Issues were framed *vide* Order dated 15.04.2019 are as under:

> "*(1) Whether the plaintiff is entitled for recovery of Rs.10,00,000/-on account of damages as prayed for? OPP*
>
> *(2) Relief.*"

37. In order to prove his case, the Plaintiff Arun Goel, examined himself as **PW-1** and deposed on similar lines, as stated in the Plaint.

38. The Defendant/Appellant, Ms. Renu Goel, filed her Affidavit by way of Evidence as **DW-1**, however, her right to lead defence evidence was closed vide Order dated 02.11.2023, under Section 35B CPC.

39. **The learned Add. District Judge**, on appreciation of the evidence of the Plaintiff, concluded that the Defendant/Appellant had misused the State machinery to satisfy her own greed for improper and collateral purposes. It was further observed that her conduct was malicious, as she had taken different stands in different forums. In her cross-examination in FIR No. 588/2001, she stated that she had never worked either before or after marriage. However, in the Petition under Section 125 Cr.P.C. Ex. PW-1/3, she had stated that she was actively involved in gainful employment for many years, since 2010. *According to the learned Trial Court, this reflected the opportunistic and malicious attitude of the Defendant/Appellant towards the Plaintiff.*

40. It was heldto be a classic case whereby the State machinery was invoked as a tool of harassment against the Plaintiff, by getting FIR No. 588/*2001 registered, without any basis. The learned Trial Court observed that the Defendant/Appellant had made a mockery of the entire judicial system in order to safeguard her personal interest and, in the process, harassed and tortured the Plaintiff and his family members*. The Plaintiff was also held to have suffered criminal litigation as well as loss of reputation and goodwill.

41. Accordingly, the Suit was decreed for:

(i) *₹30,000/- towards loss of reputation and goodwill of the Plaintiff;*

(ii) *₹50,000/- towardsdamages and compensation for harassment, torture and mental agony; and*

(iii) *₹75,000/- towardslegal expenses incurred in defending the criminal case arising out of FIR No. 588/2001 under Sections 498A/406/34 IPC.*

42. The Suit was decreed for a total sum of ₹1,55,000/- on account of loss of reputation, damages and compensation, and legal expenses incurred in defending FIR No. 588/2001.

43. *Aggrieved by the impugned Judgment, the present Regular First Appeal has been filed.*

44. The **grounds of challenge** are that the Suit of the Plaintiff lacks the essential ingredients for grant of damages, on account of maliciousprosecution. Reliance has been placed on *Trilok Chand Bansal v. Bharat Bhushan Bansal.*

45. It is claimed that the Suit of the Plaintiff was liable to be rejected under Order VII Rule 11(a) CPC. It was imperative for the Plaintiff to establish that the proceedings instituted against him for the matrimonial offences, were groundless or without reasonable and probable cause or had been instituted with malicious motives. However, according to the Appellant, the Plaintiff had led self-serving evidence, to this effect.

46. First of all, the Respondent/Plaintiff, aside from filing and exhibiting the documents pertaining to the previous litigations, had not led any independent evidence to establish that the proceedings were malicious. The acquittal in the proceedings under Sections 498A/406 IPC, was primarily on *account of the prosecution having failed to prove its case beyond reasonable doubt and there was no categorical finding that the prosecution was entirely baseless or maliciously instituted.*

47. It is further asserted that it was not a case where the Plaintiff was discharged, but rather a case where, after a full-fledged trial, the benefit of doubt was extended to the Plaintiff as the prosecution had failed to prove its case beyond reasonable doubt.

48. Moreover, the learned Trial Court, while appreciating the contents of the FIR and the grounds of acquittal, practically sat as an Appellate Court,with respect to the Judgment of acquittal, for which it had no jurisdiction. Merely because a criminal case resulted in acquittal, cannot be termed as malicious prosecution, as has been held in *Gangadhar Padhy v. Prem Singh,* 211 (2014) DLT 104*; Akbar Ali v. State; and Sannam Bharti v. DTC*, 2013 SCC OnLine Del 3104.

49. It had not been appreciated that the Appellant/Defendant was unable to prove her case beyond reasonable doubt allegedly on account of the inaction of the Investigating Officer, whereas the Respondent/Plaintiff did not even appear to substantiate the allegations levelled by him in the Divorce Petition.

50. Moreover, *Article 74 of the Schedule to the Limitation Act provides that a Suit for compensation for malicious prosecution*,is required to be filed within one year from the date of acquittal of the Plaintiff or otherwise, from the termination of the prosecution. The issues got framed by the learned MM on 15.04.2019 and therefore, the Suit of the Plaintiff was barred by limitation, which aspect was allegedly not considered by the learned Trial Court, and the impugned Judgment was *liable to be set aside on this ground itself.*

51. Mere initiation of legal proceedings against the Plaintiff based on allegations of commission of offences resulting in registration of FIR under Sections 498A/406/34 IPC cannot be termed as malicious prosecution. It was further asserted that the Appellant/Defendant had a legal right to seek correction of the alleged errors in the impugned Judgment by preferring an Appeal in accordance with law in order to safeguard her rights.

52. It is a matter of record that on account of matrimonial differences, the parties were unable to reside together and had levelled various allegations against each other.

53. Therefore, it was submitted that the impugned Judgment dated 22.12.2023 was liable to be set aside.

54. The Appellant filed the Written Arguments on similar lines, as the grounds of challenge

55. The Respondent/Plaintiff, in the Written Arguments, justified the impugned Judgment of the learned Trial Court, by referring to the multiple litigations between the parties and asserted that the Suit had been rightly decreed.

Submissions heard and record perused.

56. The Plaintiff, Mr. Arun Goel, got married to the Defendant, Smt. Renu Goel, on 15.02.1997 and they were blessed with a son on 01.06.1998. However, unfortunately, their matrimonial life did not proceed smoothly and temperamental differences arose between the parties, leading to matrimonial discord. *Consequently, the following litigations ensued between the parties:*

(i) *In the year 2000, a Divorce Petition under Section 13(1)(i-a) of the Hindu Marriage Act, 1955, was filed by the husband against the wife.*

(ii) *In November, 2000, a Civil Suit for Permanent Injunction was filed by the wife against the Plaintiff/husband, his elder brother and his sister-in-law, seeking restraint against her forcible dispossession from the Property in question. The Suit was disposed of on the statements of the parties on 10.11.2000.*

(iii) *In the year 2002, FIR No. 588/01 under Sections 498A/406/34 of the Indian Penal Code, was registered against the Plaintiff, his mother, brother and sister-in-law at*

Police Station Prashant Vihar. A Chargesheet was filed on 10.09.2002; however, the accused persons were acquitted vide Judgment dated 26.05.2014.

(iv) On 12.12.2003, a Petition under Section 125 Cr.P.C. was filed by the wife and the son seeking maintenance, which was allowed vide Judgment dated 18.03.2014, whereby the Plaintiff/husband was directed to pay maintenance @ Rs.2,000/- per month from 12.12.2003 till 31.12.2009.

(v) On 21.07.2014, Criminal Appeal No. 2/14 under Section 378 of the Code of Criminal Procedure, 1973, was filed against the Judgment of acquittal, which was dismissed on 05.11.2016 by the learned ASJ.

(vi) On 21.11.2014, the Defendant, Smt. Renu Goel, filed Civil Suit No. 410/2014 titled Master Nikunj (Minor) vs. Sh. Arun Goel & Ors., for Declaration, Permanent and Mandatory Injunction and Rendition of Accounts against the Plaintiff, his mother and uncle before the learned Civil Judge, Tis Hazari Courts, which came to be dismissed.

(vii) On 07.09.2017, the present Suit bearing CS No. 810/2017 was filed by the Plaintiff, seeking compensation and damages in the sum of Rs.10,00,000/- on account of harassment, mental agony, torture and malicious prosecution.

57. The Plaintiff, claimed that he had incurred legal expenses of ₹1,00,000/- in defending the criminal litigation; legal expenses of ₹30,000/- in defending the Criminal Appeal against his acquittal under Sections 498-

A/406 IPC; and legal expenses of ₹70,000/- in defending the civil litigation. He further claimed that the same amounted to malicious prosecution.

I.Whether the learned Trial Court was justified in awarding Rs.75,000/- towards litigation expenses and Rs.50,000/- towards damages and compensation for harassment, torture and mental agony

58. The learned District Judge, while considering the claim of the Respondent/Plaintiff for damages on account of the loss caused to the Plaintiff due to initiation of false and frivolous litigation against him, concluded as under :

> *"9.13 On perusal of the above judgment, it is clear that the defendant has misused the state machinery to satisfy her own greed, improper and collateral purpose. The conduct of the defendant is malicious as she has taken different stands before different corums. In the state case stemming out of FIR No.588/01, during her cross-examination, she has stated that she had never worked before or after marriage.* ***However, in the petition under Section 125 Cr.P.C (Ex.PW1/3), she has stated that she was actively involved in gainful employment for the past many years since 2010. This clearly reflects upon the opportunistic and malicious attitude of the defendant towards the plaintiff****. This is a classic case, whereby the state machinery was put to motion by invoking Section 498A/406/34 IPC without any basis as a too of harassment of plaintiff. The defendant had made a mockery of the entire justice system to safeguard her personal interest and in the process have harassed/ tortured the plaintiff and his entire family. The plaintiff on account of criminal litigation must have suffered loss of reputation and goodwill apart from the expenses incurred by him in defending himself in the criminal case.*

Accordingly, this issue is decided in favour of the plaintiff and against the defendant."

59. At the outset, it may be noted that while in the title of the Suit, the Plaintiff had claimed compensation, damages for mental agony, torture and malicious prosecution, *there is not even a whisper in the entire body of the Plaint in regard to the allegations of malicious prosecution*. Only the details of multiple matrimonial litigations, which ensued between the parties, have been referred.

60. Furthermore, in order to constitute *malicious prosecution*, the following aspects have to be proved:

(i) initiation or continuation of a law suit;

(ii) lack of probable cause;

(iii) Malice; and

(iv) favourable termination of lawsuit.

61. It was explained by the Privy Council in *Sah Mauji Ram vs. Sah Chaturbhuj*, AIR 1939 Privy Council 225 that in order to succeed in an action for malicious prosecution, it must be established that the Defendant acted without reasonable and probable cause and with malice.

62. Likewise, the Supreme Court of India in the case of *West Bengal State Electricity Board v. Dilip Kumar Ray*, (2007) 14 SCC 568, reiterated the same principle and held that in an action for malicious prosecution, the plaintiff must prove that the defendant acted without reasonable and probable cause and with malice; that '*malice*' and '*want of reasonable and probable cause*' have reference to the state of the defendant's mind at the date of initiation of the criminal proceedings, and the onus rests on the plaintiff to prove them."

63. In the present case, there is not a whisper by the Plaintiff to explain how the criminal litigation undertaken by the Appellant, was permeated with malice or was intended to harass the Plaintiff and his family members merely because the Appellant sought redressal of her grievances pertaining to alleged dowry harassment and cruelty, which resulted in the litigation under Sections 498-A/406 IPC, cannot per se be termed as malicious.

64. Insofar as the criminal litigation under Section**s** 498A and 406 IPC is concerned, the Defendant/wife, Smt. Renu Goel, had merely exercised her rights under the law to seek redressal of her grievances. It has been rightly contended by the Appellant that merely because the criminal case was dismissed or that the Appeal also did not succeed, does not imply that it was initiated with an ulterior motive or was malicious.

65. Moreover, it has been rightly argued on behalf of the Appellant that the acquittal was on the ground that the prosecution failed to prove its case beyond reasonable doubt. In the entire Judgment of acquittal or the Order dismissing the Appeal, there is no observation whatsoever that the criminal litigation was malicious or had been undertaken by the wife/Appellant, with an intent to harass the Plaintiff.

66. It is not the success or failure of the litigation, which determines its malicious nature, but the intent and motive with which the litigation was initiated. There is no evidence to show that the criminal litigation had been initiated by the wife for any ulterior motive and therefore, it cannot be said that the criminal litigation was initiated maliciously or that it entitled the Plaintiff to compensation.Painful and sad as it may be, there was no basis shown for grant of litigation expenses incurred in defending the criminal litigation, as has been claimed by the Plaintiff.

67. It is a settled principle that acquittal in a criminal case and liability for malicious prosecution operate in two distinct spheres. Failure of the prosecution to prove the charges beyond reasonable doubt, cannot automatically lead to an inference that the complaint itself was maliciously false.

68. A prosecution that fails because of the investigating agency's inability to prove its case beyond reasonable doubt is different, from a prosecution filed with the knowledge of its falsity or an improper motive. Where a complainant lodges a complaint on the basis of facts known to her and honestly believes in the substance of her allegations, the subsequent failure of prosecution to prove the offence on the evidence produced, cannot be visited upon her by way of civil damages.

69. As has been consistently held in *Gangadhar Padhy v. Prem Singh* 211 (2014) DLT 104 and *Sannam Bharti v. DTC* 2013 SCC Online Del 3104, mere acquittal does not lead to a finding of malicious prosecution, and this well-settled principle was referred to but then overlooked in the impugned judgment. The Ld. Add. District Judge referred to these very judgments in its analysis, yet proceeded to treat the acquittal as establishing malice, a conclusion which is patently incorrect.

70. The learned Trial Court appears to have conflated acquittal in a criminal case, with proof of malicious prosecution. The distinction between failure of prosecution and malicious institution of prosecution *was not properly appreciated*.

71. The Respondent/Plaintiff was required not merely to show that he was acquitted, but further to establish through cogent pleadings and evidence that the Appellant/Defendant acted maliciously and without reasonable cause while instituting the criminal proceedings. The said burden was not discharged.

72. Likewise, the *Appellant/wife may have initiated the civil litigation*, as stated above, but that too, was only to agitate her civil rights and seek their protection, which again cannot be termed either as malicious or as intended to harass the Respondent/husband. One litigation had been initiated by the Appellant/wife for protection of her right of residence and the other was instituted to seek protection of the rights of the child, in the property of the husband.

73. The Appellant had initiated proceedings under Section 125 Cr.PC Ex. PW1/3, for claiming maintenance for herself and the son. The Respondent had claimed that it, was based on incorrect averments, inasmuch as the wife had claimed maintenance, despite admitting that she had been gainfully employed since the year 2010.

74. While deciding the Petition under Section 125 Cr.P.C. Ex. PW1/3, the learned Principal Judge, Family Court, *vide* Judgment dated 18.03.2014, awarded maintenance @ ₹2,000/- per month, while future maintenance to the Appellant/wife was declined.

75. The learned ADJ, observed while the Appellant/wife had taken a stand in the criminal litigation that she had never been employed after her marriage, in the Petition under Section 125 Cr.P.C. Ex. PW1/3, that she had admitted that she had been gainfully employed since 2010. According to the learned District Judge, this reflected an obstinate and malicious attitude of the Defendant/Appellant, towards the Plaintiff.

76. However, this observation is absolutely incorrect as the wife had a legal right to claim maintenance on her own behalf as well as on behalf of her child. Moreover, it had been disclosed that she had started working in the year 2010 and no maintenance was granted to her, after 2010. Therefore, to hold that this litigation for claiming maintenance was malicious, is not tenable.

77. Therefore, to conclude that there was any concealment of facts or the Maintenance litigation, was motivated or false; is completely untenable.

78. The sum of Rs.75,000/- granted to the Plaintiff towards legal expenses for defending the criminal case is, therefore, not sustainable.

II. Whether damages and compensation of Rs.50,000/- for harassment, torture and mental agony, are justified:

79. The Plaintiff has been awarded Rs.50,000/- as damages and compensation for harassment, torture and mental agony, which is also not sustainable.

80. The learned ADJ, though right in observing the pain and agony suffered by the respondent, Husband, but in a matrimonial litigation, the suffering is by both the parties. While it may be right that such litigation causes tremendous pain, agony and harassment, as the Plaintiff remained embroiled in this litigation for a period of 14 years, but it cannot be overlooked that in such matrimonial litigation, not only the husband but also the wife, to some extent, even the child becomes an unwilling victim.The consequences of such litigation are suffered not only by one, but by all the three stakeholders. The husband definitely would have suffered tremendous pain but, at the same time, the wife also cannot be held to have escaped the consequences of initiation of litigation.

81. There was no intentional act of causing pain and agony to the respondent and the consequences of matrimonial litigation, were suffered by the husband and wife and by their family members, as well. The Ld. ADJ fell in error in attributing it solely to the wife and holding her liable to pay the litigation expenses incurred by the Respondent.

82. Having concluded that there was no intentional harassment on the part of the Appellant/wife in pursuing her legal remedies, ***the granting the compensation and damages for harassment in the sum of Rs.50,000/-, are held to be not justified.***

III. Whether the grant of Rs.30,000/- towards "Loss of Reputation and Goodwill" are justified:

83. Significantly, the learned Trial Court awarded a sum of ₹30,000/- towards *"loss of reputation and goodwill"*. While awarding the aforesaid sum,the Ld. Trial Court in the impugned Judgment had observed that the Plaintiff "must have suffered loss of reputation and goodwill" on account of the criminal litigation. Subsequently, in the very next instance, the Ld. Trial Court itself recorded that the Plaintiff has not led any evidence *on record to prove the loss of goodwill caused to him.*

84. The loss of reputation and damages as a distinct head of civil damages requires the Plaintiff to establish that the Defendant made a false statement of fact, that such statement was published or communicated to third parties, and that it caused actual damage to his reputation in the estimation of right-thinking members of society. A claim for loss of reputation must be grounded in specific acts and not in mere general allegations of social embarrassment. Vague and omnibus allegations, bereft of particulars, cannot sustain an award under this head.

85. In the present case, *the Respondent/Plaintiff has led no evidence whatsoever to prove any actual loss of reputation, no witness has been examined nor any document placed on record to demonstrate that his standing in society was specifically injured on account of the acts of the Appellant.*

86. Furthermore, it is well settled that mere acquittal in a criminal case does not, by itself, amount to or establish loss of reputation. An acquittal only signifies that the prosecution failed to prove its case beyond reasonable doubt and cannot be elevated to proof of reputational harm so as to found a civil claim for damages. In the absence of any cogent pleading or evidence, *the grant of ₹30,000/- towards loss of reputation and goodwill is, therefore, not sustainable.*

Conclusion:

87. In the absence of foundational pleadings, absence of evidence proving want of reasonable cause, and absence of proof regarding actual damages allegedly suffered by the Respondent/Plaintiff***, the decree passed by the learned Trial Court cannot be sustained.***

88. The impugned Judgment and Decree dated 22.12.2023 are accordingly **set aside.**

89. The **Appeal is allowed and the Suit of the Respondent/Plaintiff is *dismissed***. Pending Applications, if any, also stand disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

MAY 26, 2026/*R*