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

RSA-815-2018 (O&M)

Reserved on : 10.09.2025

Date of Decision : 22.09.2025

Krishan Kumar Aneja (deceased) through LRs & Anr ... Appellant(s)

VERSUS

Sukhdev Singh & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sanyam Malhotra, Advocate for the appellants
(through hybrid mode).

ALKA SARIN, J.

1. The present regular second appeal has been preferred by the plaintiff-appellants challenging the concurrent findings returned by the Trial Court vide judgment and decree dated 12.03.2013 and the First Appellate Court vide judgment and decree dated 08.12.2016.

2. Briefly stated the facts relevant to the present *lis* are that it was averred in the plaint that plaintiff-appellant No.1 - Krishan Kumar Aneja - was a well reputed Press Reporter and a member of various Unions, Associations and had been enjoying a good reputation. The defendant-respondents in collusion with each other lodged a false criminal case against him alongwith Rashpal Singh, Mandeep Kaur, Avtar Singh and Sukhwant Kaur, under Sections 406, 380 and 120-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Nihal Singh Wala on 23.11.1998. It was further the case that the complaint had been lodged by the defendant-respondent No.1 on the allegations that his son Lakhbir Singh had solemnized his marriage with Mandeep Kaur on 25.10.1998. On 25.10.1998 the defendant-respondent No.1 received a telephonic call from his son

Lakhbir Singh that the said Mandeep Kaur was missing. When he went to his house, he found that luggage lying in the almirah had been thrown out and an amount of ₹90,000/-, 17 tolas of gold ornaments and a .38 bore Revolver were found missing. Mandeep Kaur could not be traced. On the basis of a complaint, the FIR was registered. Initially, the plaintiff-appellants were found to be innocent and were discharged. On further enquiry, on an investigation conducted by Deputy Inspector General of Police, Ferozepur, it was recommended that the plaintiff-appellants be challaned under Section 120-B IPC. It was further the case set up that the plaintiff-appellants were acquitted vide a judgment dated 15.11.2002. It was further averred that the defendant-respondents had lodged the complaint due to *malafide* intentions and the plaintiff-appellants had suffered mental torture and tension. It was further the case that the false case went on from 1998 upto 2002 and a huge amount was spent on litigation. Hence, a compensation of ₹23,00,000/- was claimed alongwith interest @ 12%.

3. On notice, the defendant-respondent No.1 contested the suit by filing a written statement raising various preliminary objections including limitation. On merits it was stated that the defendant-respondent No.1 had never lodged any complaint against the plaintiff-appellants or against any other person, rather he lodged the complaint with the Police on 22.11.1998 stating that his daughter-in-law was missing from the house. The names of the plaintiff-appellants and other persons cropped up during Police investigation and enquiry.

4. The defendant-respondent Nos.2 and 3 also contested the suit by filing a written statement averring therein that Mandeep Kaur was married to Lakhbir Singh, son of the defendant-respondent No.1, and she left the matrimonial house within a month and that the plaintiff-appellants herein

instigated Mandeep Kaur for her wrong act and that their acquittal was due to non-appearance of material witnesses.

5. Replication was filed. On the basis of the pleadings of the parties, the following issues were framed :

(1) Whether the plaintiffs are entitled for recovery of ₹23 lacs, as damages alongwith interest on the ground as prayed for ? OPP

(2) Whether suit of the plaintiff is not maintainable ? OPD

(3) Whether this Court has no jurisdiction to try this case ? OPD

(4) Whether plaintiffs has not come to the court with clean hands ? OPD

(5) Relief

6. The Trial Court vide judgment and decree dated 12.03.2013 dismissed the suit. Aggrieved by the same, an appeal was preferred by the plaintiff-appellants which appeal was also dismissed by the First Appellate Court vide judgment and decree dated 08.12.2016. Hence, the present regular second appeal.

7. Learned counsel for the appellants would contend that both the Courts have erred in dismissing the suit. It is urged that the suit ought to have been decreed as it was a clear case of malicious prosecution. The plaintiff-appellant No.1 had been acquitted, thus, fortifying his stand that the criminal case was nothing but an attempt to harass and maliciously prosecute the plaintiff-appellants.

8. I have heard the learned counsel for the plaintiff-appellants.

9. In the present case, both the Courts concurrently found that

there was no malicious intent in filing the criminal case. Infact, it has come on the record that the defendant-respondent had only filed a complaint regarding his daughter-in-law being missing and that they had not named any person. The names of the plaintiff-appellants came up during investigation. Further still, the limitation for filing a suit for malicious prosecution is one year from the date of acquittal. The plaintiff-appellant No.1 was acquitted vide a judgment dated 15.11.2002 (Ex.P107) and the present suit was filed on 29.11.2005. Learned counsel for the plaintiff-appellants has not been able to point out to any evidence on the record to even remotely suggest that there was any malicious intent on the part of the defendant-respondents in lodging the criminal case or that the suit was within limitation.

10. In view of the above, no fault can be found with the judgments and decrees passed by both the Courts. No question of law, much less any substantial question of law, arises in the present case which requires determination by this Court. The appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

22.09.2025
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO