

**IN THE COURT OF AASHISH GUPTA, DISTRICT JUDGE-01,
NORTH EAST, KARKARDOOMA COURTS: DELHI**

CS No. 196/24
CNR No. DLNE010015962024

In the matter of :-

Smt. Vidyawati
W/o Late Sh. Rattan Singh
R/o C-49, Street No. 20,
Mata Wali Gali, Johripur,
Delhi-110094

.....Plaintiff

Versus

- 1) Smt. Indresh
D/o Late Sh. Murari Lal
- 2) Sh. Kiran Pal
S/o Late Sh. Murari Lal
(deleted vide order dated 04.01.2025)

Both R/o H.No. SK-78,
Shastri Nagar,
Ghaziabad,
Uttar Pradesh-201002

.....Defendant

Date of institution	:	31.05.2024
Arguments heard on	:	21.05.2026
Date of Judgment	:	05.06.2026

JUDGMENT

Plaintiff's Case:

1. Plaintiff is octogenarian and has approached this Court *inter alia* seeking damages of Rs. 15 lac for being maliciously prosecuted

various litigations by the defendant.

2. Defendant was the wife of one Ravinder Kumar (son of plaintiff) and some matrimonial disputes were going on between them. It is plaintiff's case that defendant filed (a) FIR No. 431/2006 PS Gokulpuri U/S 323/341/506 IPC; (b) FIR No. 854/2006 PS Gokulpuri U/S 498A/406 IPC; (c) Criminal Complaint No. 4667/2023 in the Court of Ld. ACJM, Ghaziabad U/S 323/494/504/506/120B IPC.
3. The first case detailed at serial (a) was only against Ravinder Kumar and he was acquitted in the said case vide judgment dated 01.06.2018. The appeal against the said judgment was also dismissed vide judgment dated 22.11.2018.
4. The second case detailed at serial (b) was *inter alia* against the plaintiff and other children of plaintiff including Ravinder. The said case also resulted in acquittal of plaintiff on 22.08.2016 and the said acquittal qua plaintiff was upheld by the concerned Appellate Court vide judgment dated 22.02.2018.
5. The third case detailed at serial (c) resulted in the dismissal of the complaint vide order dated 01.01.2024.
6. Now, it is the case of the plaintiff that the above series of litigations initiated by defendant has resulted in she suffering damage to her reputation and therefore, she should be compensated to the tune of Rs. 15 lac.

Defendant's Case:

7. Defendant does not dispute the filing of the above litigations. It is her case that she was subjected to various acts of cruelties in her matrimonial house and thus, she was within her right to initiate various litigations against plaintiff and her children including her son Ravinder.

Issues framed:

8. Based on pleadings, following issue(s) were framed:-

(i) Whether the plaintiff is entitled to a decree of recovery as prayed for in prayer (i) and (ii)? OPP

(ii) Relief.

Evidence Led:

9. To prove her case, plaintiff herself stepped in the witness box as PW-1 and relied upon her affidavit in evidence Ex. PW1/A. She also relied upon documents exhibited as Ex. PW1/1 to Ex. PW1/16 detailed in para 22 of her affidavit in evidence.
10. No other witness was produced by the plaintiff.
11. PW-1 was duly cross-examined by the Counsel for defendant.
12. Defence did not lead any evidence.
13. I have heard final arguments advanced by Ld Counsel for defendant. Despite opportunity, no arguments were advanced on behalf of plaintiff.
14. Record perused.

Analysis and findings:

Issue No (i)

(i) Whether the plaintiff is entitled to a decree of recovery as prayed for in prayer (i) and (ii)? OPP

15. At the outset, I may note that initially the present suit was filed against Indresh as D-1 and her brother Kiran Pal as D-2. The said Kiran Pal was deleted from the array of parties vide order dated 04.01.2025. Thus, the suit survived only qua Indresh. Any reference to defendant in the body of this judgment is reference to Indresh.
16. Now, as perusal of facts noted above would show, plaintiff is aggrieved by the fact that she has been dragged in multiple litigations by defendant.
17. Now, as far as FIR No. 431/2006 PS Gokulpuri is concerned, admittedly plaintiff was not an accused in the said case. She herself claims that only her son Ravinder (ex-husband of Indresh/defendant) was prosecuted as an accused in the said case. Thus, qua the said FIR, it cannot be said that there was any malicious prosecution of plaintiff and thus, no decree of damages can be passed against the defendant qua the said case.
18. Again, with respect to FIR No. 854/2006 PS Gokulpuri, plaintiff herself pleads that she was acquitted in the said FIR on 22.08.2016. The appeal against the said acquittal was also dismissed qua her on 22.02.2018. Now presuming that in the said FIR, plaintiff was maliciously prosecuted, the limitation to seek

compensation for the said malicious prosecution expired within one year from the date of judgment passed in appeal.

19. Under Article 74 of Limitation Act, 1963, only one year period is provided as period of limitation for a suit for compensation in cases of malicious prosecution. Thus, in law, plaintiff could have sued the defendant on or before 22.02.2019 with respect to the said case. The present suit was filed on 31.05.2024.
20. Thus, the claim of plaintiff on the basis of her prosecution in FIR No. 854/2006 is beyond time.
21. This brings me to the contention of the plaintiff with respect to Criminal Complaint No. 4667/2023 filed by defendant *inter alia* against plaintiff before ACJM, Ghaziabad. Defendant does not dispute the fact that she filed the said complaint against the plaintiff. Initially, the said case was dismissed vide order dated 01.01.2024. Plaintiff herself pleads this fact.
22. But, as per record, the said order was assailed by way of a Criminal Revision No. 9/24 before the Court of Sessions. The said order has now been set aside by the concerned revisionist Court vide order dated 05.06.2025, exhibited as Ex.PW1/X directing the concerned Court to deal with the criminal case of the defendant as per law after giving hearing to the parties.
23. The effect of the said order shall be that the criminal complaint bearing CC No. 4667/23 has got revived *inter alia* against the plaintiff before the concerned criminal Court and the same shall now have to be decided as per law.

24. This shall mean that the above criminal complaint has not resulted in acquittal or termination of prosecution of the plaintiff so as to allow her to seek compensation for her malicious prosecution in the above case.
25. Even though the order of the Ld. Revisionist Court was passed after the filing of the present case, still, the net effect of the same shall be that the criminal complaint case initiated by defendant against the plaintiff get revived from the date of its filing and plaintiff cannot claim compensation for malicious prosecution in the said case. Her prosecution in the said case is to be treated to be still pending and thus, she cannot recover any compensation on that count.
26. Only after the said case leads to acquittal of the plaintiff or the prosecution in the said case is otherwise terminated, can plaintiff then sue the defendant for compensation on the ground of malicious prosecution in the said case.
27. Thus, for neither of the litigations initiated by defendant, plaintiff can recover any damages from defendant for the tort of malicious prosecution.
28. It appears that defendant has dragged the plaintiff in various litigations for the last many years and that has pained the plaintiff.
29. Plaintiff is aged about 85 years and in the evening of her life, she feels that by filing multiple cases, she is being harassed by the defendant. When the matter was called out today, the Court was informed that plaintiff's son Ravinder Kumar (ex-husband of defendant) has expired on 04.05.2026.

30. A Court can acknowledge the pain of the plaintiff for facing multiple litigations at the hands of defendant. But, as a Court of law, a Court has to go by the letter of law and sympathy of the Court cannot mean that plaintiff is entitled to recover any money from the defendant on the ground of malicious prosecution.
31. Thus, it is held that plaintiff has failed to discharge the burden of proof qua the issue under consideration.
32. **Thus, the issue under consideration is decided against the plaintiff. As a consequence, the suit fails. It is dismissed.**
33. No order as to costs.
34. Let a decree sheet be prepared.

**Announced in the open court
on 05.06.2026**

**Aashish Gupta
District Judge-01, North-East
KKD Courts, Delhi**