

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).486/2017

(Arising out of Special Leave Petition (Crl.) No(s). 8985/2016)

RAMESH CHANDERPAL @ RAMESH CHANDRA PAL

PETITIONER(S)

VERSUS

INSPECTOR GURMUKH SINGH AND ANR.

RESPONDENT(S)

O R D E R

Leave granted.

Limited notice was issued in this case on 06.12.2016 under the circumstances mentioned in that order. Therefore, we reproduce order dated 06.12.2016 in its entirety as under:

"It is argued by the learned counsel appearing for the petitioner that because of the wrong impleadment of the petitioner herein in the criminal case, the trial court, while acquitting the petitioner, had also granted compensation in the sum of Rs.1,00,000/- (Rupees one lakh only) in his favour and against the police officials. However, in appeal, the Court of Session while maintaining the acquittal, set aside the order of compensation with the following observations :-

"..... The only remedy with the accused was to file suit for malicious prosecution for damages if he felt aggrieved for which it was complainant who will be liable for damages. ... "

This order is upheld by the High Court as well.

The grievance of the petitioner against the aforesaid order is that the remedy of the petitioner to seek damages against the police

officials is also taken away, even when, on the facts of this case, the complainant had not named the petitioner, but it is the police officers who had falsely implicated the petitioner.

Issue notice, limited to the aforesaid aspect, returnable within four weeks."

After hearing learned counsel for the parties, we are of the opinion that the quoted portion of the order of the Sessions Court needs to be modified with the observations that the appellant would be free to file a suit for malicious prosecution against others as well and the remedy will not be limited to filing of such a case only against the complainant. We make it clear that this Court has not made any observations on the merits of the case and it would be open to the defendants who would be impleaded in the said suit to defend the claim of the appellant on whatever defences are available to them.

The appeal is accordingly disposed of.

.....J.
[A.K. SIKRI]

.....J.
[ASHOK BHUSHAN]

NEW DELHI;
MARCH 06, 2017.

(Signed order is placed on the file)

ITEM NO.10

COURT NO.8

SECTION IIB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 8985/2016

(Arising out of impugned final judgment and order dated 08/01/2016 in CRMM No. 367/2016 passed by the High Court Of Punjab & Haryana At Chandigarh)

RAMESH CHANDERPAL @ RAMESH CHANDRA PAL Petitioner(s)

VERSUS

INSPECTOR GURMUKH SINGH AND ANR. Respondent(s)

(WITH OFFICE REPORT)

Date : 06/03/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. H.K. Aurora, Adv.
Mr. Sonit Sinhmar, Adv.
Mr. Devesh Kumar Tripathi, Adv.

Mr. Nikhil Goel, Adv.
Ms. Naveen Goel, Adv.
Mr. Ashutosh G., Adv.

For Respondent(s) Mr. Aditya Singh, Adv.
Mr. Aakash S., Adv.
Mr. M. P. Shorawala, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(Ashwani Thakur)
COURT MASTER

(Mala Kumari Sharma)
COURT MASTER

(Signed order is placed on the file)