

In the Matter:

Smt. Salochna Devi W/O Sh. Daulat Ram R/o
Village Kujvi P.O Matal, Tehsil Chopal District
Shimla, H.P.

.....plaintiff

Versus

1. Sh. Rajesh Tegta S/o Sh. Dila Ram R/o Village and P.O Malat, Tehsil Chopal District Shimla.
2. State of H.P. through Principal Secretary [Home] to the Govt of Himachal Pradesh.
3. Superintendent of Police, Shimla (H.P.) 171001.
4. Station House Officer, Police Station Chopal, District Shimla.
5. Sh. Subhash Chand, Assistant Inspector, Police Station Nalagarh, District Solan, H.P.

.....Defendants

Written statement on behalf
of defendant no. 2 to 4.

Respectfully Sheweth:

Preliminary Submissions:-

1. That the present suit is not maintainable against the replying defendants in present form.
2. That plaintiff has no locus standie to file the present suit for damages on account of malicious prosecution against the replying defendants as accused was acquitted on the benefit of doubt.
3. That no cause of action has ever accrued in favour of plaintiff against the replying

1. That the contents of para 1 of the plaint are wrong hence denied. It is submitted that the plaintiff was residing with Smt. Shanti Devi without payment of any rent as disclosed by the defendant No. 1.

2&3 That in reply to these para of the Plaint it is submitted that defendant No. 1 who is working in Ayurveda Department at Nerwa had made a complaint to Police at Police Station Chopal and on the basis of this a criminal case vide FIR No. 19/2012 dated 12.05.2012 under section 406 IPC was registered at Police Station Chopal and after the investigation the chargesheet for the offence punishable under section 406 IPC was filed in the Ld. Court of JMIC Chopal for judicial verdict.

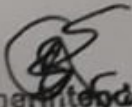
4. That the contents of para 4 of the plaint are wrong hence denied. It is submitted that investigation was carried out by defendant No. 5 i.e ASI Subhash Chand and after completion of investigation, the chargesheet U/S 406 IPC was filed in the court of Ld. JMIC Chopal on 01.07.2013. After the hearing the parties the Ld. JMIC-1, Chopal vide judgment dated 02.11.2015 acquitted the plaintiff. However, it is denied that plaintiff was acquitted on the ground that prosecution miserably failed to prove its case, rather, as per the para 18 of the judgment, the Ld. Court held that the prosecution evidence was not cogent and convincing to point out towards the guilt of accused inevitably and exclusively.

investigation commence on the statement of Defendant No. 1 i.e Rajesh Tegta and after completing investigation, the investigating Agency on the basis of evidence collected during investigation chargsheet U/S 406 IPC was filed in the Ld. Court on the basis that a prima-facie case was made out against plaintiff. It is specifically denied that the investigating Agency has filed a false case against the plaintiff. It is categorically denied that Investigating Agency with malice intention created false and concocted evidences against plaintiff just to harass, humiliate her in the society. The investigating agency has performed their duty under the due process of law.

6. That the contents of Para 6 of the plaint are wrong hence denied. It is submitted that the Investigating agency has performed their duty in accordance with producer and filed the chargsheet against plaintiff on the basis of evidence collected during investigation. It is denied that reputation of plaintiff was lowered on the part of investigating agency. The investigation agency has done their duty with sincerity and honestly and as per procedure laid down under the law.

7. That the contents of Para 7 of the plaint are wrong hence denied. It is submitted that no mental agony, harm to the reputation of plaintiff was caused on the part of Investigating Agency. Hence, plaintiff is not entitled for any compensation on the part of replying defendants.

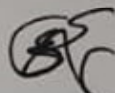
8. That the contents of Para 8 of the plaint are wrong hence denied. It is submitted that during


Superintendent of Police
District Shimla, H.P.

- ... completed and for this reason, benefit of doubt was given to Plaintiff. Rest of the contents of replying Para are wrong hence denied.
9. That the contents of this Para are wrong hence denied. No cause of action has ever accrued in favour of plaintiff against the replying defendants.
10. That the suite is not properly valued for the purpose of court fees and jurisdiction.

Prayer:-

It is, therefore, respectfully prayed that in view of the submissions made in paras supra the suit of the plaintiff is being devoid of merits and may kindly be dismissed with cost in the interest of justice.


DEFENDANT
Superintendent of Police
District Shimla, H.P.

VERIFICATION:-

I, the above named defendants do hereby verify that the contents of the para no. 1 to 4 of preliminary submissions and 1 to 10 of written statement are true and correct to the best of my knowledge and information derived from official record and rest of the paras of the written statement are also believed to be true on the basis of legal information derived, nothing material has been concealed therein.


DEFENDANT
Superintendent of Police

In the Matter:

Smt. Salochna Devi W/O Sh. Daulat Ram R/o Village
Kujvi P.O Matal, Tehsil Chopal District Shimla,
H.P.

.....plaintiff

Versus

State of H.P. and others.

.....Defendants

AFFIDAVIT

I, D.W. Negi S/o Sh. Gialchhen Zin
Negi, aged 54 Years, presently posted as
Superintendent of Police, Shimla, occupation
Government service, do hereby solemnly affirm and
declare as under:-

1. That the accompanying written statement to the
plaint has been drafted on my instructions and
instance. The contents of written statement in
preliminary objections of para 1 to 4 and on
merits para 1 to 10 are true and correct to the
best of my knowledge as derived from office
record. No part of the same is false and nothing
material has been concealed there from.

2. That the contents of this affidavit in para
1 are true and correct to the best of my
knowledge and belief. No part of this is false
and nothing material has been concealed there
from.

Verified at Shimla this 8th December,