

Narasinga Row Vs. Muthaya Pillai

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SooperKanoon Citation : sooperkanoon.com/776429

Court : Chennai

Decided On : Jul-23-1902

Reported in : (1902)12MLJ389

Appellant : Narasinga Row

Respondent : Muthaya Pillai

Judgement :

1. We think the decree of the appellate Court should be reversed.
2. The only person who can be sued in an action for malicious prosecution is the person who prosecutes. In this case though the 1st defendant may have instituted criminal proceedings before the police, he certainly did not prosecute the plaintiff. He merely gave information to the police, and the police after investigation appear to have thought fit to prosecute the plaintiff. The 1st defendant is not responsible for their act, and no action lies against him for malicious prosecution (see judgment in S.A. No. 805 See 12 M.L.J. 349.
3. We must reverse the decree of the Subordinate Judge and restore that of the Additional District Munsif with costs in this and the lower appellate Court.