

RESEARCH PAPER**Malicious Prosecution Claims in the Shadow of Reasonable Doubt:
Comparative Perspectives from Common Law Jurisdictions**Sadia Tanveer¹ Airah Fatima Mirza² Asif Azam Jathol³ Hafiz Muhammad Azeem^{4*}¹⁻² Advocate High Court, Islamabad, Pakistan³ PhD Scholar, Area Study Center, University of Peshawar, Pakistan⁴ Assistant Director (Legal), Federal Investigation Agency, Lahore, Pakistan*Corresponding Author hafizazeemkhokhar@gmail.com

ABSTRACT

Wrongful convictions remain a persistent issue in criminal justice systems worldwide, it calls for reforms. Yet, the plight of acquitted individuals, particularly those who endure prolonged incarceration before proving their innocence, often remains overlooked. Justice systems lack immediate compensatory mechanisms for acquitted people, especially at the time of pronouncement of judgement; it leaves malicious prosecution as a potential remedy. However, judicial interpretations often create obstacles: through considering such claims untenable when acquittals are based on the principle of proof beyond a reasonable doubt. This paper critically explores the interaction between the standard of reasonable doubt and the maintainability of malicious prosecution claims. Although an acquittal which is based on reasonable doubt indicates the prosecution's failure to prove guilt, yet it does not debar the maintainability of malicious prosecution. Through a comparative analysis of legal frameworks and judicial interpretations in the United States, England, Pakistan, and India, this study evaluates requirements for sustaining malicious prosecution claims. This study concludes through the importance of adopting a balanced approach. This paper calls for a consistent legal framework that provides justice to victims of wrongful prosecution without discouraging the filing of criminal cases against genuine offenders. Additionally, it proposes amendments to procedural laws to allow for the discussion of malice and the inclusion of a reasonable cause requirement for malicious prosecution in the judgments of criminal trials.

Keywords: Wrongful Conviction, Malicious Prosecution, Law of Torts, Acquittal Beyond Reasonable Shadow of Doubt, Vexatious Litigation.

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INTRODUCTION

The law seeks to protect individuals from being wrongfully taken to court, whether in civil proceedings or through criminal prosecution. At the same time, it encourages people to report crimes promptly to law enforcement agencies and to come forward either as witnesses or informants to help bring offenders to justice. However, achieving this balance is not always easy, especially in justice systems where policies are unclear, laws are ambiguous, and judicial interpretations are inconsistent. If a person who is not guilty could immediately sue those who

prosecuted them, it could seriously harm the criminal justice system (CJS). People might become reluctant to bring cases forward, fearing lawsuits, which could make it harder to punish criminals and maintain law and order. On the other hand, if the CJS allows people to misuse the law to file malicious cases or settle personal scores without valid reasons, it would also damage the system and leave others vulnerable to exploitation by the powerful (Mcmahon & Binchy, 2013, p. 1391).

Scholars have expressed concerns about the lack of reimbursement mechanisms for accused persons who are found innocent after undergoing criminal trials. Though the words “not guilty” at the end of a trial brings immense relief to any accused person. However, when one difficult chapter ends, another begins—rebuilding a life that has been deeply affected physically, emotionally, and financially. After successfully defending themselves against criminal charges, these accused people often face a pressing question: how can they recover the costs incurred in securing their freedom? Though some states have introduced laws that allow accused persons who are acquitted to seek public reimbursement for certain legal expenses which were incurred during their trial proceedings, however, it varies significantly (Robbins, 2014). McLellan (2013) also noted about the struggles faced by wrongfully convicted accused persons are receiving increased attention of scholars as awareness grows about the severe harm inflicted on innocent accused persons by the CJS and its process. While much of the focus, both in academic research and legislative reforms, has been on identifying the causes of wrongful convictions, yet there is little work on the issue of providing adequate redress to these accused people. Therefore, it is essential to explore effective ways to compensate these accused people and support them in rebuilding their lives after such profound sufferings from their trial (McLellan, n.d.).

The issue of wrongful convictions (WC) or incarcerations are not confined to a single country; it is a global issue and affecting CJSs across the world (Covey & Beety, 2022; Huff & Killias, 2013; Redlich et al., 2014), especially in Asian countries (Le et al., 2024) and in Pakistan (Madni et al., 2019). Whether in common law jurisdictions or others, cases of innocent accused persons being prosecuted and incarcerated highlight systemic flaws that went beyond borders. Scholars are suggesting ways to cope with this issue (Findley, 2001; Garrett, 2020; Markovic, 2015) and compensation is at the top (Clow et al., 2011; Hoel, 2008; Karaffa et al., 2017; Mostaghel, 2010; Singh & Singh, 2021). Islamic CJS also supports compensation for WC (Hossain, 2021).

WC is a substantial issue in India (Matiyani & Puri, 2024; Roach, 2024). Though the exact number of WC is difficult to determine due to the lack of comprehensive data, several cases highlight systemic flaws in the CJS about WC. In India, scholars’ emphasis on this issue that CJS does not provide ample provisions for compensation of WC (Shuaib, 2022; Tripathi & Tripathi, 2021; Wilson & Wadje, 2024). Likewise, in Pakistan, the issue of WC has been extensively highlighted by scholars through various means. Some scholars have focused on the victim's experience (Iqbal et al., 2024), while others have pointed to the inadequacy of the compensation system (Imtiaz Ahmad Khan, 2022) and its impact on public and professional perceptions (Bibi et al., 2022). However, policymakers, legislators, and the government have not adequately addressed this critical issue.

Moreover, Norris, Acker, Bonventre, and Redlich (Norris et al., 2020) provide a comprehensive analysis of wrongful convictions in the United States. They highlighted the evolution of exonerations and related reforms over a thirty-year period in their work in the context of WC. Their research traces the history of WC in America. They also discuss the causes of WC. Likewise, Helm (2022) in his work examines WC in England and Wales through analyzing 88 cases which were overturned since 2007, within a broader set of 389 WC since 1970; identifies three key contributors—digital evidence, guilty pleas, and misleading testimony. Helm discusses systemic failures that leave accused persons vulnerable to WC and concludes with recommendations for reforms to enhance protection against such errors.

It requires a unified effort to reform legal frameworks, to tackle this issue in common law jurisdiction as well, to provide remedies for the wrongfully accused. Under such circumstances, malicious prosecution (MP) emerges as an appropriate remedy for accused persons who have been wrongfully subjected to criminal proceedings (Kaur, 2023). It provides a legal avenue for seeking compensation and redress for the financial hardships endured by him during the trial (Hay, 2011).

MP is a civil tort that provides a remedy for those who have been wrongfully prosecuted in a criminal or civil proceeding (H. Stephen, 1889, p. 8). It recognizes that the misuse of the legal system can cause significant harm, including reputational damage, financial loss, and emotional distress. At its core, MP aims to deter the abuse of legal processes and to protect individuals from the unwarranted initiation of unfounded legal actions. This remedy serves as an important safeguard against the potential for injustice within the legal system. By holding those who initiate frivolous or malicious legal proceedings accountable, it discourages the misuse of legal processes for personal gain, revenge, or other improper motives.

This paper begins with a background section which outlines the Problem Statement and Research Objective, followed by an explanation of the Research Methodology adopted for the study. It then establishes a Theoretical Framework by examining the Role of Reasonable Doubt in the CJS and discussing the Elements of Malicious Prosecution to provide foundational context and instances wherein denial of MP was held for reasonable doubt acquittals. The paper then proceeds with a Comparative Analysis of Jurisprudential Interpretations while having focus on legal frameworks and judicial approaches with an aim to highlight variations in interpretations and challenges in maintainability of MP claims. The Discussion section critically evaluates the findings of this and addresses inconsistencies in current legal standards and practices in common law jurisdictions. Finally, the Conclusion synthesizes key insights and offers Recommendations to establish a jurisprudentially consistent framework that balances the rights of victims of WC and prosecution with the need to prevent frivolous claims and protect genuine prosecutions.

Problem Statement & Research Objective

WC represent main flaw in CJSs worldwide, and they cause severe personal, social, and financial hardships for the accused persons even after acquittals. Despite widespread recognition of this issue, compensatory mechanisms in CJSs for acquitted persons remain inadequate, particularly at the time of judgment. Many acquitted individuals endure lengthy incarceration before proving their innocence. Malicious prosecution offers a potential remedy (Campbell, 1979;

Tymkovich & Stillwell, 2022), but its applicability is frequently restricted by judicial interpretations, especially when acquittals are based on the principle of proof beyond a reasonable shadow of doubt. Courts often reject malicious prosecution claims on the premise that such acquittals do not necessarily imply a lack of probable cause at the time of prosecution. This judicial stance creates a legal paradox—though acquitted persons are declared not guilty, yet they are left without viable recourse for the harm they have endured. The absence of a jurisprudentially coherent framework further complicates the situation if they file MP claims. This research aims to address these gaps by analysing existing material and judicial interpretations in common law jurisdictions, including the United States, England, Pakistan, and India, to understand sustainability of MP claims, even in cases of acquittals which are based on reasonable doubt, and proposes reforms to achieve a balanced and consistent approach to justice.

CONCEPTUAL AND THEORETICAL FRAMEWORK

The conceptual and theoretical framework of this study is grounded in the interplay between the doctrine of reasonable doubt and the tort of malicious prosecution within common law jurisdictions. Theoretically, it draws upon legal positivism and justice theories, particularly the balance between prosecutorial discretion and the protection of individuals from wrongful prosecution. While the standard of proof beyond a reasonable doubt serves to prevent wrongful convictions, its misinterpretation as a barrier to malicious prosecution claims undermines the right to redress for those acquitted. This study employs a comparative legal approach, analysing judicial reasoning in the United States, England, Pakistan, and India to assess the conditions under which malicious prosecution claims are upheld or dismissed. It argues that a rigid application of reasonable doubt without considering prosecutorial malice or lack of reasonable cause restricts access to justice. Therefore, this framework advocates for a harmonized legal standard that safeguards both prosecutorial integrity and individual rights, ensuring that acquittals based on reasonable doubt do not preclude legitimate claims for wrongful prosecution.

RESEARCH METHODOLOGY

This study adopts primarily a doctrinal research methodology, by relying and using qualitative analysis of legal principles in the light of judicial precedents and statutory provisions which are governing MP claims. The research begins with a detailed examination of primary sources, including case law, statutes, and statutory provisions from the United States, England, Pakistan, and India, to identify similarities, differences, and trends in legal interpretations related to MP. Secondary sources such as academic articles, legal commentaries from books, and reports are also analyzed to provide context and to highlight gaps in existing frameworks of Pakistan. A comparative approach is used to finalize the study. The methodology integrates both descriptive and analytical techniques to critically evaluate inconsistencies and challenges in the current legal frameworks.

THE ROLE OF REASONABLE DOUBT IN CJSS OF COMMON LAW JURISDICTIONS

When someone accused of serious crimes like murder, robbery, or rape is found not guilty by a court, people often question the justice system and sometimes feel it has failed. Many ordinary

people are not familiar with the basic rules of criminal law or how judges evaluate evidence in such cases. They expect that anyone guilty should be punished no matter what. However, most acquittals happen not because the accused is proven innocent, but because there is not enough evidence to meet the required legal standard. That is why it is important to understand the laws about evidence in both civil and criminal cases.

United Kingdom

Sir James Fitzjames Stephen described the law of evidence as a set of rules that are used to resolve disputed facts during court proceedings (Stephen, 1898, p. 3). Just as logic is necessary for reasoning, evidence is necessary for a judge to reach a decision. Judicial decisions are made to establish or declare rights and responsibilities, and these decisions rely on facts. Before delivering a verdict, the judge must first determine the facts that define these rights and responsibilities under the law.

In English CJS the origin of the "beyond a reasonable doubt" standard remains unclear, and its exact historical roots are still debated by scholars and legal historians: some attempted to find its original in theology (Whitman, 2008) while others trace the standard to medieval English law, where early jury trials were influenced by religious oaths and moral certainty (Evatt, 1936). Though the principle is widely recognized as a cornerstone of modern CJSs, yet its precise development lacks a definitive timeline or source (Shapiro, 2012). Some found its official recognition in English common law cases (Blackstone & Paley, 2016, p. 206): particularly in *R v Abramovitch* (Morton, 1959) and later reinforced in *Woolmington's case* (Stein, 1993; Waldman, 1959).

United States

In America, in 1970 case, (*Winship's case* 397 U.S. 358 (1970)), the U.S. Supreme Court firmly ruled that the Due Process Clause of the Fourteenth Amendment requires prosecutors to prove every part of a criminal charge beyond a reasonable doubt. The case involved a 12-year-old boy, Samuel Winship, who was found guilty of juvenile delinquency in New York upon the allegation of stealing \$112 from a locker. The judge admitted the evidence might not have proven the guilt of Winship beyond a reasonable doubt but still convicted him using a lower standard called the preponderance of the evidence, which was then common in juvenile courts. Winship appealed, arguing that this lower standard violated his right to due process. The Supreme Court agreed, ruling that the beyond a reasonable doubt standard is essential for fairness and must be applied in all criminal cases, including those involving juveniles (Flannery, 1970).

Pakistan

The Qanoon-e-Shahadat Order, 1984 (QSO) applies in Pakistan; it contains general principles of evidence for criminal trials. It requires proof grounded on what a reasonable and prudent person would accept. However, the level of evidence looked for varies between civil and criminal cases. In civil cases, proof is grounded on a balance of probabilities, meaning it is enough to show that something is more likely than not. In contrast, criminal cases demand a higher level of proof beyond reasonable doubt—because the consequences of a wrongful conviction are more

serious. This distinction means that evidence strong enough to win a civil case might not be sufficient to convict someone in a criminal trial. Courts in civil matters may require fluctuating levels of probabilities dependent on the issue being examined. For example, allegations of fraud in civil cases need stronger proof than claims of negligence, although neither requires as high a standard as criminal cases (Azeem, Rafique, et al., 2023).

The higher standard in criminal trials reflects the principle that it is better for ten guilty people to go free than for one innocent person to be wrongly convicted. This approach prioritizes fairness and careful judgment. The prosecution must provide evidence that leaves no reasonable doubt about the guilt of the accused (Mairaj et al., 2024). In Pakistan, this standard was reaffirmed in the Safdar Ali case (1953), which upheld the principle established in the Woolmington case (Azeem, Rafique, et al., 2023; Glover, 2023). It underscored that the burden of proving guilt lies entirely on the prosecution, except in specific defenses like insanity or other statutory exceptions (Crosby, 2023). Though some criticize the usage of this principle (Azeem, Thaheem, et al., 2023), yet it is deeply rooted in English law, and it has long been recognized to protect persons from WC.

India

Indian courts follow same legal principles which they inherited from English law. After independence, they continued to adopt common law principles. It is well-established in their CJS that criminal charges must be proved beyond a reasonable doubt. Whereas civil cases can be decided based on a balance of probabilities. The courts have highlighted that this distinction remains valid today, just as it was in the past (Gurbachan Singh v. Satpal Singh (1990); Kumar et al., 2011).

ELEMENTS OF MALICIOUS PROSECUTION

MP refers to the legal proceedings against someone with improper motives and no reasonable basis to support the alleged case. It involves willful, reckless, or malicious actions which are aimed at personal gain or harm to the other party, despite having knowledge that the prosecution is wrongful and against public policy. For a claim of MP to be successful, two key elements must be proven: the absence of reasonable cause for opening the case and a favourable outcome for the wrongly accused person (West Bengal State Electricity Board v. Dilip Kumar Ray, 2007).

The MP tort contains essential elements (Deakin & Adams, 2019; Townshend, 2024, p. 700), which the claimant must establish (Kodilinye & Corthésy, 2022; Sandhu, 2022). Firstly, the defendant must be the one who has directly initiated legal proceedings against the claimant; he should not be the one who merely provided information (Gaya Prasad v. Bhagat Singh, (1908). Secondly, the proceedings must have been capable of harming the reputation, person, or property of claimant, such as through criminal charges which resulted in arrest or seizure of property. Thirdly, the proceedings must have ended unsuccessfully for the defendant—if the claimant was convicted or defendant's case succeeded, the defendant's actions are considered justified. Fourthly, the defendant must have lacked reasonable cause or grounds for initiation of the case (Okpaluba, 2016). Finally, malice must be shown, which indicates that the defendant was acted with improper motives rather than a genuine belief of guilt. Besides, the claimant must have

suffered harm, whether to reputation, personal freedom, or property, including costs incurred in defending themselves (Colyer, 2014, p. 214, 215, 216).

The common law tort of MP permits people who have faced untrue and malevolently motivated criminal cases to claim compensation from the accuser (Law-Smith, 2024). MP occurs when someone starts criminal actions against another person with spiteful intent and without reasonable or probable reason, and the case fails. It involves abusing the court process by wrongly introducing legal action (KHAMARI, 2021). Courts explained MP as opening of a legal case against someone with a wrongful or improper motive and without reasonable cause to justify it. The Court also explained the difference between MP and 'abuse of process'. MP involves wrongful indictment in legal proceedings, while abuse of process refers to use of legal process for a purpose other than what it was meant for, even if the process itself was properly issued (*West Bengal State Electricity Board v. Dilip Kumar Ray*, 2007). The detailed explanation of each ingredient of MP is beyond the scope of this study and it requires separate and dedicated research. Therefore, this part of the research is intentionally limited in its coverage.

There are some defences (Alter, 2022) against MP: that the prosecution was reasonable, or it was protected by law. Another one is that the defendant had good reasons or reasonable suspicion at that time to believe that the case was valid, and it was supported by an honest belief in the guilt. One more is that law enforcement officials are protected by absolute privilege. Judicial immunity also applies which protect judges and officers for their actions taken in their official roles. Lastly, accusations made in good faith with an aim to protect national or state security; nevertheless, if later found to be incorrect, may also be justified (Iyoha, 2024).

DENIAL OF MALICIOUS PROSECUTION FOR REASONABLE DOUBT ACQUITTALS IN PAKISTAN

Courts are of the view that if every acquittal allowed the accused to sue for damages under MP, it would cause serious complications. It could dishearten people from filing complaints or registration of information about the crime, burden victims due to poor investigations, and disturb the whole CJS. To claim damages for MP, the burden is on the applicant to prove that the prosecution was obsessed by malice or an improper motive. MP involves exploitation of legal action to gain an unfair advantage, and the defendant's actions must be examined to determine if they were influenced by ill will or other improper reasons. Everyone has the right to protect their own rights, but they should not violate others through initiating improper legal actions which are meant to harass them with unjustified lawsuits (*Zulfiqar Ahmed v. M. Nadeem*, 2024). A similar view was expressed in the case of *Fazale Rahim*, where it was held that simply because a prosecution commenced by the defendant against the plaintiff failed does not mean the defendant can be accused of MP. The plaintiff must prove that the case was filed without any reasonable or probable cause and was obsessed with the malicious intent, rather than a genuine intention to enforce the law (*Subedar (Retd.) Fazale Rahim v. Rab Nawaz*, 1999).

In a claim of MP, wherein Muhammad Nawab Khan, lodged an FIR involving the respondent, Bahader Sher, and others for causing the death of his nephew and injuring his mother. After acquittal, the respondent filed a suit for MP with claim that the charges had tarnished his

reputation and caused mental and financial suffering. The trial and appellate courts partially ruled in his favour and awarded damages. However, the High Court in Pakistan overturned the lower court decisions. It observed that mere acquittal is not sufficient to claim MP damages; the plaintiff must prove malice, lack of reasonable cause, and improper motives. The court found no evidence of malice and observed that MP is also a source of unnecessary suffering for everyone who is involved. Such actions must be stopped quickly. If these practices are not tackled, they can lead to serious consequences and damage the reputation and trust in the courts. The court rejected claims (M. Nawab Khan v. Bahader Sher, 2023).

In a similar case, the plaintiff requested damages on account of false allegations made against them in an application filed at a Police Station, wherein, an inquiry was conducted and decided in the plaintiff's favor. However, the court rejected the claim for MP damages. It observed that in the law not every criminal case or inquiry which ends in the opponent's favor automatically entitles them for MP. For a claim to succeed, the original proceedings must have been both malicious and without reasonable cause. Simple registration of a complaint with the police with allegations is not considered a base of MP. The relationship and circumstances between the parties should be considered to understand the intentions. However, personal jealousy or grudges held by the defendants against the plaintiffs do not qualify as a reasonable cause. (Arif Irfan v. Sharif Peeran Ditta, 2021).

COMPARATIVE ANALYSIS OF JURISPRUDENTIAL INTERPRETATIONS

This section of the research paper will provide key insights from landmark cases and jurisprudential interpretations through scholarly articles to understand the current scope of MP claims in the United States, the United Kingdom, India, and Pakistan.

United States

The American Supreme Court has now settled that lawsuits which are brought under § 1983 are considered in the context of tort law (Monroe v. Pape, 1961). Section 1983 is a federal law that helps people whose constitutional rights were violated by state officials. This means if a state official, like a police officer, unfairly takes away someone's rights, that person can sue the official under this law. It was created based on the Ku Klux Klan Act of 1871. Since then, Section 1983 has been used to address many civil rights issues, including cases of MP (Eckhout, 2004). Section 1983 turned the Fourteenth Amendment from a protective shield into a tool for fighting back through permitting people to sue to defend their constitutional rights (Abernathy, 1988).

In the early days, the right to be protected from MP was well-established. Many state courts adopted this principle from English common law and relied on early English cases to interpret and apply it (Tymkovich & Stillwell, 2022). In America, MP generally refers to those cases where someone is wrongfully prosecuted on criminal responsibilities (Whittlesey, 1994). The Supreme Court noted that this concept originally applied only to criminal cases but has since been expanded to include civil cases where legal action is taken maliciously and without probable cause (Dinsman v. Wilkes, 1851).

MP was widespread in the United States when the Fourteenth Amendment was adopted in 1868. By then, every state court recognized it as a common law tort, and federal courts, including the Supreme Court, also acknowledged its existence. Lawsuits for MP are treated cautiously by the CJS. Over 150 years ago, Lord Holt stated that they should not be encouraged and must be handled with great care. The goal is to strike a balance: the CJS remains free to function without unnecessary hindrance while also maintaining accountability for malevolent and baseless prosecutions (*Stone v. Crocker*, 1832). In a recent case, the US Supreme Court discussed what someone must prove to make a MP claim under the Fourth Amendment. The Court decided that a person requires to show their criminal case ended without a conviction, rather than to prove “with some affirmative indication of innocence.” This ruling changed earlier decisions and made it relaxed for people to file MP claims against law enforcement officers (Holland, 2021; North, 2024).

United Kingdom

For centuries, legal systems in the world have acknowledged the injustice of baseless proceedings. MP emerged as part of the Anglo-American effort to prevent the misuse of criminal and civil legal processes. Its origins can be traced back to English law as early as the seventh century. The history of MP dates back to Anglo-Saxon times, when a losing complainant could face severe penalties: it includes cutting of tongue cut or being required to pay compensation (Campbell, 1979). In 1293, Parliament introduced the writ of conspiracy. This writ targeted a specific type of MP suits, where a wealthy individual would hire or conspire with a third party to prosecute someone on their behalf. This allowed the wealthy person to avoid the penalties and costs of litigation. The writ of conspiracy closed this loophole (Winfield, 1917, 1920). In the late seventeenth century, the English court in *Savile v. Roberts* refined MP claims through requiring proof of actual damages (Wade, 1986).

The Supreme Court of United Kingdom observed that MP is a legal claim which mainly focus on the wrongful use of the CJS. Its key feature is that the defendant has misused the state's power to dishonestly target someone. The law recognizes that criminal proceedings without good reason can really harm the victim; it may cause distress to them and their family, as well as it may damage their reputation and credibility. However, in a democracy that values the rule of law, it is tricky to allow claims on the normal workings of the CJS. The court also observed that law enforcement relies on citizens' assistance to report crimes, and a broad definition of MP could discourage not just malicious persons but also honest citizens from fulfilling their public duty. To balance this, the law ensures that malevolent people are held accountable but also protects responsible citizens from the risks of unnecessary claims, though of MP. There are also other criminal penalties, like perjury or wastage of police time, etc., for false accusations. The tort of MP also sometimes overlaps with other legal claims, like defamation and malicious falsehood (*Gregory v Portsmouth City Council*, 2000).

The question of whether someone who starts a civil claim with bad intentions and no reasonable basis should face the same consequences as someone who maliciously prosecutes a criminal case has been debated for a long time in England as well. Two recent important cases, *Crawford Adjusters' case* (2014) and *Willers's case* (2016), have changed the legal view. In both

cases, the courts decided it is possible to hold somebody accountable for maliciously filing civil proceedings (Marin, 2016; Todd, 2017). However, this question of whether someone who maliciously initiates civil proceedings without any reasonable cause should be held liable in the same way as a malicious prosecutor in criminal proceedings is another issue that cannot be definitively resolved here in this study.

Pakistan

In this section, we will analyze the perspective of the Supreme Court for the sake of brevity. The court has a consistent view that for a decree to be granted in MP, the plaintiff must prove several key factors. These include: first, that the defendant initiated a prosecution against the plaintiff; second, that the prosecution concluded in the favour of plaintiff; third, that the defendant acted without reasonable or probable cause; fourth, that actions of defendant were motivated by malice; fifth, that the legal proceedings infringed on the liberty of plaintiff and damaged their reputation; and finally, that the plaintiff suffered harm as a result (Muhammad Akram v. Mst. Farman Bi, 1990). After perusing various judgments, the court endorses that failure of a prosecution initiated by the defendant against the plaintiff does not, by itself, make the defendant liable for MP claim. For such a claim to make it successful, the plaintiff must prove that the proceedings were started without reasonable or probable cause, and it was based on malicious intent, rather than an honest effort to enforce the law (Subedar (Retd.) Fazale Rahim v. Rab Nawaz, 1999).

The courts are of the view that to succeed in a claim for MP, the plaintiff must prove two essential elements: action with malice and it lacked reasonable and probable cause in the initiation of the prosecution. In these proceedings, malice refers to indecorous motives, not merely anger or spite. An action based on honest belief in the guilt of accused, even if misguided, cannot be deemed malicious. Though malice requires, however, it must be accompanied by the absence of reasonable and probable cause; yet in some cases, malice may be inferred from the lack of reasonable and probable cause, but then again this is not a universal rule. If reasonable and probable cause ingredient is established, the question of malice becomes irrelevant. On the other hand, proof of malice alone is insufficient for MP (U.B.L. v. Raja Ghulam Hussain, 1999).

Likewise, the court observed in a case that it now is a well-established legal principle that while a prosecution may not initially be malicious, yet its continuous after its discovery that basic facts are untrue can give rise to a claim for damages due to MP (Fetzjohn v. Mackinder (30 LJCP 257). Additionally, the term "reasonable and probable cause" refers to an honest belief in the culpability. This belief must be grounded on reasonable grounds and arise from persuasion of facts that, if assumed true, would lead an ordinary, prudent person to reasonably conclude that the accused was likely guilty of the alleged crime. The court further observed that under the Constitution, it is no longer necessary to limit actions for damages in cases of MP. Such actions should be grounded on the abuse of the process of law, which aligns better with the principles enshrined in Articles 4 and 14 of the Constitution. Realities of life in our country show that proceedings initiated by the police often present convincing grounds for claims of MP than proceedings in a court of law. Unfortunately, human dignity is more likely to be violated during police investigations than in court proceedings. To address such violations, aggrieved people are

encouraged to file suits for MP against offenders as a means of seeking justice. It is also the responsibility of members of the Bar Associations and Bar Council to raise awareness among the public and assist in such suits to uphold the rule of law (Niaz v. Abdul Sattar, 2006).

India

Courts are of the view that law of tort about MP in India is the same as in England. A claim for MP is based on the exploitation of the legal process through faulty starting legal action (Roop Singh v. Amarjit Singh, 2017). In a case, the court referred to Phipson, that in cases of MP the plaintiff must prove two things: failure of the case and that there was no reasonable or probable cause for the legal action. On the other hand, in cases of false imprisonment, it is the responsibility of defendants to prove there was a reasonable cause, as an arrest is generally considered wrongful unless justified (Narayan Govind Gavate v. State of Maharashtra, 1977). The court explained that the decisions of criminal courts are mainly used to show that the prosecution was ended in the claimant's favour. However, this does not automatically prove the requirement of malice or a lack of reasonable cause. It is the job of the civil court to review all the evidence for requirements of MP (Suparti v. Shamshuddin, 1928).

The courts do not easily support claims for MP and apply strict principles in these cases. This is because public policy encourages information and reporting crimes, and this policy allows people to pursue legal action in good faith to bring offenders to justice. Therefore, it has been held that to succeed in the case of MP, the plaintiff must prove that the charges against them were baseless and ended in their favour. They must also show that the defendant started the case without a valid reason and with spiteful intentions, such as inappropriate or indirect motives (S.T. Sahib v. N. Hasan Ghani Sahib, 1957). Generally, anyone has the right (though not always the obligation) to inform a state authority about a criminal offence they reasonably and honestly believe has been committed. This helps to ensure that the offender can be arrested, tried, and punished timely. In a case, it was explained that if someone reports a crime honestly on the basis what they know or believe, then they cannot be sued for damages just because the accused person is later found innocent. To hold the person liable for MP, it must be proven that they acted with malice (an improper motive, not a sense of public duty) and provided information without reasonable or probable cause (West Bengal State Electricity Board v. Dilip Kumar Ray, 2007).

DISCUSSION

This research highlights the refined approach of common law jurisdictions—namely the United States, United Kingdom, Pakistan, and India—towards claims of MP resulting in acquittals on the basis of reasonable doubt. A common thread across these jurisdictions, which this study found, is the strict requirement for plaintiffs to prove malice, absence of reasonable and probable cause, and an improper motive behind the original prosecution. However, trivial differences arise in judicial interpretation and procedural safeguards. The United States, MP claims have expanded under section 1983 to include cases of constitutional violations in it. The United Kingdom underscores a cautious balance between prevention of frivolous claims and to ensure justice for the unlawfully prosecuted, with recent cases covering the civil actions. Whereas, in Pakistan and India, courts uphold severe standards: evidence of malice and unreasonable cause. They show that

it should not be at the cost of prejudicing public policy which encourages information and registration of crimes overcompensation of acquitted persons. This study reflects differences in historical development of MP and its role in public policy of CJSs in these countries.

This study also shows that one of the noteworthy challenges for plaintiffs in proving MP is the dual elements of malice and lack of reasonable cause: this often requires much legal and evidentiary requirements. In cases of acquittals which are based on reasonable doubt in India and Pakistan, courts do not discuss scope of MP in their judgements. This complicates MP claims. Furthermore, judicial reluctance to discourage baseless crime registration and misuse of the CJS often acts as a barrier in awarding damages for MP cases. However, it is also admitted that this research is limited in its scope for primarily relying on case law analysis and the absence of empirical data on the success rates of such claims in each jurisdiction.

CONCLUSION

This study demonstrates that MP claims are imperative for successful CJS, but it should be cautiously used. Although acquittals which are based on reasonable doubt do not automatically preclude these claims, yet plaintiffs face substantial evidentiary burdens, which are often intensified by judicial importance to encourage crime registration. Therefore, it is recommended that CJSs should develop clear guidelines to balance the protection of people from false MP claims with the need to prevent frivolous litigation. Criminal procedures should be amended to include the scope of MP. Judges may discuss the requirements of malice and reasonable cause in their judgments at the conclusion of trials. Legal aid or public reimbursement programmes would also be beneficial to help acquitted people in rebuilding their lives. Strong and enhanced accountability mechanisms in procedural law are also needed to achieve substantial justice in CJSs.

Future Research Directions

Further research could explore the psychological and social impacts of wrongful prosecutions on acquitted people, as well as the adequacy and efficacy of prevailing compensatory mechanisms in procedural laws. Moreover, the scope of MP in civil jurisdiction also requires exploration through comparative analysis.

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