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Defending wrongful Prosecution

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5 **Research Paper - Law**

When an individual files a criminal complaint with law enforcement or a magistrate, they initiate legal proceedings against another person. While everyone has the right to set the law in motion, it should be exercised judiciously and with the honest intention of protecting one's rights. If this right is abused with malicious intent, the initiator may be held liable for malicious prosecution. The target of such malicious prosecution can respond by filing a civil suit, known as a "suit for malicious prosecution," seeking damages from the individual who initiated the unwarranted legal action.

Definition

Many authors have defined malicious prosecution as under. Street defined, "it is to act maliciously and without reasonable or probable cause to initiate against another judicial proceedings which terminate in favour of that other and which result in damage to his reputation, person, freedom or property."

Underhill, "Malicious prosecution of criminal proceedings consists in instituting unsuccessful criminal proceedings maliciously and without reasonable and probable cause." Malicious prosecution is the institution against an innocent person of unsuccessful criminal, bankruptcy, or liquidation proceeding without reasonable and probable cause and in a malicious spirit. If a person institutes such legal proceeding without just and probable cause, the person against whom the action was taken can file a suit for damages for malicious prosecution.

Malicious prosecution refers to the unjust initiation of criminal, bankruptcy, or liquidation proceedings against an innocent individual, lacking reasonable and probable