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| MHNG080014282025  | <u>PWDVA No.29/2025</u> <u>Priti Vs. Shailesh</u> |
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ORDER (BELOW EXH.16)
(Passed on 03/12/2025)

The applicant has filed present application for taking action/ registration of offence against the non-applicant.

2. It is contended that this Court, vide its order dated 28.07.2025, directed the non-applicant to remain present before the Court and file undertaking. Though on 06.08.2025, the non-applicant remained absent, he filed undertaking before this Court. Said undertaking shows that non-applicant was present and took oath before Notary. The signature of the non-applicant on undertaking is forged. The non-applicant filed forged document before the Court. Hence, prayed to register offence against the non-applicant.

3. The non-applicant filed his reply at Exh.17. He denied that he was not present on 06.08.2025. It is contended that he was present at Kamptee, but did not appear before the court, because he was having fear of the applicant as she threatened him. The applicant has filed present application to harass him. He himself signed the undertaking in presence of Notary. Hence, prayed to reject the application.

4. Heard both sides.

5. It is the contention of the applicant that on 06.08.2025 the non-applicant remained absent before the Court

though the Court directed him to remain present before the court, but he filed Notarized undertaking before the court. It is the contention of the applicant that the non-applicant made forged signature on undertaking and filed forged document before the Court and therefore it is necessary to register offence against him. On the contrary, the non-applicant denied the allegations leveled against him and submitted that he himself signed the undertaking before Notary, but due to fear of applicant he remained absent before the Court.

6. Whether the non-applicant filed forged document before the Court or not, cannot be decided without examining the signature of the non-applicant. Perusal of signature of non-applicant on undertaking dated 06.08.2025 and on reply Exh.17 appears to be same at this prima facie stage. Therefore, at this prima facie stage, it cannot be said that said document is forged one.

7. Perusal of undertaking shows that the non-applicant undertook that he paid Rs.30,000/- to the applicant and will pay remaining amount in 8 installments in next 8 months. Perusal of record shows that as per his undertaking he deposited Rs.30,000/- on 02.09.2025 in the Court vide C.No.224/2025 and on 04.11.2025 paid Rs.30,000/- to the applicant directly in her bank account. Today also the non-applicant paid Rs.30,000/- to the applicant directly in her bank account. It means the non-applicant is following his undertaking given to the court and paying monthly installments to the applicant regularly. The purpose of filing undertaking before the Court is fulfilled by the non-applicant. Therefore, in my view, there is no need to take action or to register

offence against the non- applicant as the document filed by him not appear to be forged one at this prima facie stage. Therefore, the application filed by the applicant is devoid of merits and deserves to be rejected. Hence, I pass following order.

ORDER

Application (Exh.16) is rejected.

Kamptee
Date :03.12.2025

(R.R. Sherekar)
Judicial Magistrate First Class,
(Court No.2), Kamptee.

ENDORSEMENT

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| Case argued on | : | 03.12.2025 |
| Order dictated on | : | 03.12.2025 |
| Transcription ready on | : | 03.12.2025 |
| Order checked and signed on | : | 03.12.2025 |

CERTIFICATE

I affirm that the contents of this P.D.F. File are same word to word as per original order.

Name of Steno :- **Sau. P.A.Nirmal**