

**IN THE COURT OF THE JUDICIAL MAGISTRATE,  
FAST TRACK COURT, SRIVILLIPUTTUR.**

**Present: Thiru. R. Sundara Kamesh Marthandan, M.L.,**  
Judicial Magistrate, Fast Track Court, Srivilliputtur.

Wednesday, on the 11<sup>th</sup> day of March 2026

**M.P. No. 23 of 2026**

**in**

**S.T.C. No. 798 of 2025**

E. Amalopavam Theres Rani

...Petitioner/Accused

-vs-

A. Mariyadayana

...Respondent/Complainant

This Petition came up before this Court today i.e., 11.03.2026. Advocate Mr. R.Thirupathi, for the Petitioner/Accused. Advocates M/s. K. Shandakumar, M.Viswanathan, P. Muthukumar, T. Dineshpandi & B. Hariharan, for the Respondent/Complainant. Upon hearing both sides and Upon perusing the case records, this Court delivers the following:

**ORDER**

1. The Petitioner/Accused had filed the above Petition under Section 45 of Indian Evidence Act, seeking an order to sent the Complaint as well as Proof Affidavit and Cross Examination of PW1, to get Handwriting Expert Opinion, as to the said documents.

2. The Petitioner/Accused had stated that on 02.02.2026, the Respondent/

Complainant was Cross examined and that during her Cross Examination, she had deposed that, she do not know anything about the Case bearing No. 516 of 2023. She had also deposed that, she gave Legal Notice on 07.03.2025 and that she filed the Complaint during the year 2024. The said deposition in Cross Examination is contrary to her Complaint. Even with regard to the date of issuance of Cheque, there are contradictions. Upon perusal of the Case bundle, the Petitioner's Counsel found that the signature in Complaint and the signature in the deposition are different. The signature of the Complainant had been forged by some other persons. Hence Expert Opinion is required. Hence the above Petition.

3. The Respondent had filed Counter, stating that during her Cross examination she had deposed that she read the Complaint as well as Proof Affidavit and signed the same. She had also deposed that the Legal Notice was issued at her instructions and that the Complainant is aware of the entire Case facts. The Petitioner had filed the above Petition, in order to protract the Case and harass the Respondent/Complainant. The above Petition is not maintainable in law as well as on facts. The said documents need not be sent to handwriting expert. The Petition is liable to be dismissed in limine. The Petitioner is about to be attain Superannuation, from her service. Hence with intent to Protract the above Case, the Petitioner had filed the above Petition. Therefore the Respondent prayed for dismissal of the above Petition.

4. The Point for consideration, is whether the above Petition has to be allowed or

not?

5. Since the Petitioner had stated that signatures found in the Complaint as well as in Complainant's deposition are different, the e-filed Complaint as well as the Complainant's Chief Examination and Cross Examination were perused by this Court. In the Complaint, it is signed as "A.Mariya Dayana". In the Complainant's deposition, it is signed as "A.Maria Dayana". The same is visible to naked eyes. It also reveals that the signatures in the Complaint is different from the signatures in the Proof Affidavit as well as Cross Examination of Complainant/PW1.

6. The Learned Counsel for the Complainant, had argued that for eliciting the fact that the above Complaint has been instituted in the name of the Complainant, by some other person, the said document has to be sent to Handwriting Expert, for getting Expert Opinion. On the Other hand, the Learned Counsel for the Respondent had submitted that the Respondent/Complainant had not disowned her signatures in the Complaint. As such the Petitioner could not make any such objection.

7. If at all, the above Petition is allowed and the said documents are sent to Handwriting Expert and Expert Opinion is obtained, the same would only reveal that the signatures in the Complaint and signatures in the Complainant/PW1's deposition are not one and the same. However the expert opinion could not reveal as to who had signed the Complaint, as because the said Complaint was not signed before this Court and that the Petitioner had not asserted that the said signatures available in the Complaint, were

signed by any Particular Person.

8. As discussed above, the fact that the signatures as seen in the Complaint are different from the signatures as seen in her deposition could be seen through naked eyes. As such, there is no necessity for sending those documents to Handwriting Expert for getting Expert opinion. In view of the discussions made above this Court is of the considered view that the Petitioner is not entitled for the Petition Relief. Considering the facts involved, no cost imposed.

In the result, the above Petition is dismissed. No Cost.

Dictated to the Steno-Typist, Transcribed and Typed by her, in Computer corrected and pronounced by me in Open Court this, the 11<sup>th</sup> day of March 2026.

Judicial Magistrate, Fast Track Court  
Srivilliputtur.

Petitioner side witness & Documents : Nil  
Respondent side witness & Documents : Nil

Judicial Magistrate, Fast Track Court  
Srivilliputtur.