IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.A.Nos.344 & 345 of 2025

Mrs.G.Keerthiga

...Appellant in both Crl.As

Versus

1.State Rep. by its
The Inspector of Police,
Metro Wing II, CB – CID,
Egmore, Chennai.

2.R.Nandhini

...Respondents in both Crl.As

Common Prayer in Crl.A.Nos.344 & 345 of 2025:

These Criminal Appeals are filed under Section 413 of BNSS praying to allow the appeal and set aside the common acquittal judgment dated 12.02.2025 made in Crl.A.Nos.337 & 385 of 2024 passed by the learned I Additional Sessions Judge, City Civil Court, Chennai in C.C.No.8595 of 2019 on the file of the learned Metropolitan Magistrate For Exclusive Trial of CCB Cases (relating to cheating cases in Chennai) CBCID Metro Cases, Egmore, Chennai.

For Appellant in both Crl.As	:	Mr.S.C.Pratheep Ashok Kumar
For Respondent – 1 in both Crl.As	:	Mr.V.Meganathan, Govt. Advocate (Crl.Side)
For Respondent – 2 in both Crl.As	:	Mr.A.P.Sathiyamurthy

COMMON JUDGMENT

These Criminal Appeals have been preferred by the Appellant/P.W.1 praying to set aside the Common Judgment dated 12.02.2025 in Crl.A.Nos.337 & 385 of 2024 passed by the learned I Additional Sessions Judge, City Civil Court, Chennai, setting aside the Judgment dated 15.04.2024 in C.C.No.8595 of 2019 passed by the learned Metropolitan Magistrate For Exclusive Trial of CCB Cases (relating to cheating cases in Chennai) CBCID Metro Cases, Egmore, Chennai.

2. The brief facts of the case are as follows:

One Mrs.Santhanalakshmi (*de facto* complainant herein) has two sons viz., Raja Edwin and Ravi Edwin. The *de facto* complainant's first son Raja Edwin had married the Appellant/P.W.1 and he was working as a Software Engineer at Saudi Arabia. The *de facto* complainant's second son Ravi Edwin had married the 2nd Respondent/Accused and he was living in India.

The 2nd Respondent/Accused had already married one Mr.Umamaheswara Rao and had a daughter viz., Bhavana. The 2nd Respondent/Accused got divorce from her 1st husband and thereafter, she married the *de facto* complainant's second son Ravi Edwin. The *de facto* complainant's second son Ravi Edwin and 2nd Respondent/Accused had a daughter viz., Raji Edwin. While so, on 09.12.2009, the *de facto* complainant's second son Ravi Edwin had died in a road accident. After the demise of Ravi Edwin, her wife 2nd Respondent/Accused had filed a Claim Petition in M.C.O.P.No.1266 of 2010 before the Motor Accidents Claims Tribunal, Chennai claiming a sum of Rs.26,00,000/- as compensation for the death of her husband Ravi Edwin. In the said Claim Petition, 2nd Respondent/Accused had included herself and her two daughters as claimants 1 to 3 and she had also included the *de facto* complainant as 4th claimant.

3. According to the *de facto* complainant, she did not sign the Vakalat and the aforesaid Claim Petition, but, 2nd Respondent/Accused had impersonated the signature of *de facto* complainant and filed the Claim Petition before the Tribunal. Actually, the *de facto* complainant was not in

India during the particular period in which the Vakalat and Claim Petition were said to be signed by *de facto* complainant.

4. Further, according to the *de facto* complainant, while she was residing in Chennai, she bought 90 sovereigns of gold jewels and kept the same in Balaji Nagar house and she also bought 300 sovereigns of gold jewels and kept the same in Karur Vysya Bank Locker, St.Thomas Mount Branch, Chennai. The 2nd Respondent/Accused had taken away the said jewels and some of the property documents of *de facto* complainant and further, with the help of hooligans, 2nd Respondent/Accused had tried to evict the *de facto* complainant as well as Appellant/P.W.1 from the *de facto* complainant's own house.

5. When the *de facto* complainant came to know that 2nd Respondent/Accused had filed a Claim Petition before the Tribunal by impersonating her signature and the Tribunal had also awarded a sum of Rs.20,00,000/- as compensation to the 2nd Respondent/Accused, *de facto* complainant gave a complaint to the Additional Director General of Police, CB CID, Chennai requesting to conduct an enquiry to find out the person

who had impersonated her signature and punish the impersonator. However, 1st Respondent Police did not take any action on the complaint given by *de facto* complainant. Therefore, *de facto* complainant had filed a criminal original petition in Crl.O.P.No.20060 of 2017 before this Court praying to issue appropriate direction to the 1st Respondent Police to register a case against the 2nd Respondent/Accused. This Court vide Order dated 01.12.2017, disposed of the said criminal original petition by directing the 1st Respondent Police to register a FIR against the 2nd Respondent/Accused. Pursuant to the said order of this Court, 1st Respondent Police had registered a case in Crime No.13 of 2017 against the 2nd Respondent/Accused under Sections 465, 468, 471, 420, 506(i) and 120(B) of I.P.C. After the completion of investigation, 1st Respondent Police had filed the Final Report before the learned Special Metropolitan Magistrate Court for CCB & CB-CID Cases, Egmore, Chennai. The said Final Report was taken on file in C.C.No.8595 of 2019.

6. Before the Trial Court, on the side of prosecution, Appellant was examined as P.W.1, Appellant's husband Raja Edwin was examined as P.W.2 and 17 other witnesses were examined as P.W.3 to P.W.18 and 35 documents

were marked as Exs.P1 to P35, but, on the side of 2nd Respondent/Accused, no witnesses were examined and no exhibits were marked.

7. On appreciation of the oral and documentary evidence produced before it, the Trial Court had passed the Judgment dated 15.04.2024 in C.C.No.8595 of 2019 by holding that 2nd Respondent/Accused is not found guilty for commission of offence under Section 420 of IPC and thus, 2nd Respondent/Accused is acquitted under Section 248(i) of Cr.P.C, but, 2nd Respondent/Accused is found guilty for commission of offence under Sections 465, 468 & 471 of IPC and thus, she is convicted and sentenced as follows:

S.No.	Offence	Punishment
1	Under Section 465 of IPC	To undergo 2 years rigorous imprisonment and to pay a fine of Rs.3,000/-, in default, to undergo 3 months rigorous imprisonment.
2	Under Section 468 of IPC	To undergo 3 years rigorous imprisonment and to pay a fine of Rs.3,000/-, in default, to undergo 3 months rigorous imprisonment.
3	Under Section 471 of IPC	To undergo 3 years rigorous imprisonment and to pay a fine of Rs.3,000/-, in default, to undergo 3 months rigorous imprisonment.

8. Challenging the aforesaid judgment of conviction and sentence passed by the Trial Court, 2nd Respondent/Accused had filed a Criminal

Appeal in C.A.No.337 of 2024 before the City Civil Court, Chennai. On the other hand, challenging the very same judgment of acquittal passed by the Trial Court, Appellant/P.W.1 had filed a Criminal Appeal in C.A.No.385 of 2024 before the City Civil Court, Chennai.

9. The learned I Additional Sessions Judge, City Civil Court, Chennai vide Common Judgment dated 12.02.2025, allowed Crl.A.No.337 of 2024 by setting aside the judgment of conviction and sentence passed by the Trial Court and dismissed Crl.A.No.385 of 2024 by confirming the judgment of acquittal passed by the Trial Court. Aggrieved by the said common judgment passed by the 1st Appellate Court, Appellant/P.W.1 has preferred the present Criminal Appeals before this Court.

10. The learned counsel for Appellant/P.W.1 submitted that the learned Trial Judge had rightly omitted the testimony of P.W.3 (Mr.Pugazhendhi, Advocate and friend of deceased Ravi Edwin) since it lacked corroboration and the same was in favour of 2nd Respondent/Accused, but, the learned 1st Appellate Judge has erred in considering the testimony of P.W.3 without corroboration. The learned 1st Appellate Judge has solely

relied the evidence of P.W.3 to acquit the 2nd Respondent/Accused.

10.1. It is submitted by the learned counsel for Appellant/P.W.1 that 1st Appellate Court has failed to appreciate the evidence of P.W.13 (Forensic Expert) who deposed that the disputed signature is differed with the signature in the sample documents like cheques and challans signed by the *de facto* complainant in the relevant period. As such, 1st Appellate Court has presumed and interpreted an imaginary version to determine the age and circumstances, under which, the *de facto* complainant allegedly signed the Vakalat and Claim Petition after losing her son Ravi Edwin in a road accident.

10.2. In the present case, impersonation was committed by the 2nd Respondent/Accused in the year 2010, but, the *de facto* complainant came to know about the same only in the year 2017. P.W.13 had clearly stated in his deposition that obtaining the *de facto* complainant's signature seven years after the impersonation was irrelevant. Furthermore, P.W.13 had clearly mentioned during cross-examination that obtaining the *de facto* complainant's signature is considered as an additional document.

10.3. The learned counsel for Appellant/P.W.1 submitted that during the year 2009, while the *de facto* complainant and Raja Edwin (1st son of *de facto* complainant) were abroad, they received an information that Ravi Edwin (2nd son of *de facto* complainant) had died in an accident, upon receiving the said information, they immediately returned to India. This fact was corroborated by P.W.3 in his testimony which confirms that on 09.12.2009 when the Ravi Edwin died in an accident, *de facto* complainant and her 1st son Raja Edwin were abroad.

10.4. It is also submitted by the learned counsel for Appellant/P.W.1 that *de facto* complainant's 2nd son Ravi Edwin had died in the accident on 09.12.2009 and within just four days from the date of accident, it is highly improbable that the *de facto* complainant would have been eager to file a Claim Petition before the Court. At that time, *de facto* complainant was not in a position to file a Claim Petition for compensation. That apart, it is to be noted that *de facto* complainant was a retired Government Officer and she was getting pension from the Government and hence, there was no necessity for her to seek compensation for the death of her deceased son Ravi Edwin that too 2 days after the death of her son.

10.5. The learned counsel for Appellant/P.W.1 submitted that while *de facto* complainant's 2nd son Ravi Edwin was alive, 2nd Respondent/Accused did not contest ownership of any of the properties, but, after the demise of her husband Ravi Edwin, she started causing financial issues and she unlawfully acquired the properties belonging to the *de facto* complainant. Ultimately, 2nd Respondent/Accused impersonated the signature of *de facto* complainant and filed a Claim Petition before the Tribunal. It is also submitted that the *de facto* complainant had died on 22.07.2018. Only after her demise, the case in C.C.No.8595 of 2019 was taken on file.

10.6. It is further submitted by the learned counsel for Appellant/P.W.1 that merely based on the statement of P.W.3, 1st Appellate Court has erroneously came to the conclusion that as per the evidence deposed by P.W.3, the signature in the Vakalat was put by *de facto* complainant alone.

10.7. The learned counsel for Appellant/P.W.1 submitted that 1st Appellate Court has relied the statement of P.W.3 and it has failed to note that 2nd Respondent/Accused had explicitly stated that in her Section 313(1)(b) of Cr.P.C questioning that she does not even know P.W.3. Further, 1st Appellate Court has erred in holding that the 2nd Respondent/Accused has neither cheated nor created any fraudulent document and hence, the act of the 2nd Respondent/Accused does not attract the provisions of Sections 420, 465, 468 and 471 of I.P.C.

10.8. The judgment passed by the 1st Appellate Court is perverse in nature and hence, the same is liable to be set aside. Therefore, the learned counsel prayed that these Criminal Appeals may be allowed by setting aside the judgment of the 1st Appellate Court.

11. On the other hand, the learned Government Advocate (Crl.Side) appearing on behalf of 1st Respondent submitted that before the Trial Court, prosecution had proved the charges against the 2nd Respondent/Accused beyond all reasonable doubt, but, the same was not been properly appreciated by the 1st Appellate Court. He further submitted that he is inclined to adopt the arguments advanced by the learned counsel for Appellant/P.W.1.

12. The learned counsel for 2nd Respondent/Accused submitted that 2nd Respondent/Accused is the wife of deceased Ravi Edwin who died in a road accident on 09.12.2009. The deceased Ravi Edwin was employed as a Warrant Officer in Indian Army and was deployed in the Jammu & Kashmir during the Kargil War, only due to the compulsion of his mother (*de facto* complainant), Ravi Edwin relieved from the Indian Army and settled at Chennai. The *de facto* complainant is the mother-in-law of 2nd Respondent/Accused and she is residing with her 1st son Raja Edwin who was working at Saudi Arabia. The *de facto* complainant had nominated her 1st daughter-in-law who is none other than Appellant/P.W.1 as her Power of Attorney.

12.1. It is further submitted by the learned counsel for 2nd Respondent/Accused that after the demise of *de facto* complainant's second son Ravi Edwin, *de facto* complainant had lodged a complaint against the 2nd Respondent/Accused stating that 2nd Respondent/Accused has impersonated the signature of *de facto* complainant and filed a Claim Petition before the Tribunal for her unlawful gain and that apart, 2nd Respondent/Accused had taken away the 390 sovereigns of gold jewels and property documents belonging to the *de facto* complainant and kept the same in her illegal custody. However, 2nd Respondent/Accused did not commit any offence as alleged in the said complaint.

12.2. Actually, after the demise of Ravi Edwin, 2nd Respondent/Accused had filed a Claim Petition before the Tribunal in order to claim compensation for the death of Ravi Edwin who died in a road accident. Prior to the filing of the said Claim Petition, 2nd Respondent/Accused as well as the *de facto* complainant had signed the Vakalat in the office of P.W.3 which is clearly evident from the deposition of P.W.3.

12.3. The learned counsel for 2nd Respondent/Accused also submitted that the allegation against the 2nd Respondent/Accused is that she has impersonated the signature of *de facto* complainant and filed a claim petition before the Tribunal, but, actually, 2nd Respondent/Accused has not forged the signature of *de facto* complainant and there is no evidence has been adduced by the prosecution to prove that the signature of *de facto* complainant has been forged by the 2nd Respondent/Accused. Once, 2nd Respondent/Accused had filed a domestic violence case against the Appellant/P.W.1 and *de facto* complainant. Therefore, in order to take revenge against the 2nd Respondent/Accused, *de facto* complainant had lodged a false complaint against the 2nd Respondent/Accused.

12.4. It is submitted by the learned counsel for 2nd Respondent/Accused that the Trial Court had convicted and sentenced the 2nd Respondent/Accused for the commission of offence under Sections 465, 468 & 471 of IPC and hence, challenging the judgment of conviction and sentence passed by the Trial Court, 2nd Respondent/Accused had preferred a Criminal Appeal before the 1st Appellate Court. On 12.02.2025, the 1st Appellate Court has allowed the said Criminal Appeal by setting aside the judgment of the Trial Court and acquitting the 2nd Respondent/Accused.

12.5. The learned counsel for 2nd Respondent/Accused further submitted that the 1st Appellate Court has held that 2nd Respondent/Accused has neither cheated nor created any fraudulent document and hence, Sections 465, 468 & 471 of IPC would not attract. The 1st Appellate Court has also held that as per the evidence deposed by P.W.3, signature in the Vakalat was put by *de facto* complainant alone and the handwriting expert's opinion has not considered in favour of the prosecution for the reasons, the said examination has not been done by obtaining the admitted signature of *de facto* complainant after 12.12.2010. Therefore, the learned counsel submitted that the judgment passed by the 1st Appellate Court does not warrant any interference.

13. Heard the arguments of the learned counsel on both sides and perused the materials available on record.

14. As far as this case is concerned, the issue to be decided is that whether the findings of the 1st Appellate Court suffers from flaw or contrary to the weight of the evidences?

15. In the present case, *de facto* complainant had two sons viz., Raja Edwin and Ravi Edwin. Her both sons are married. The *de facto* complainant was staying with her first son Raja Edwin who was working in abroad. The *de facto* complainant's second son was residing in India. While

so, on 09.12.2009, *de facto* complainant's second son Ravi Edwin had died in a road accident. At that time, *de facto* complainant and her first son were abroad. Upon receiving the intimation of the death of Ravi Edwin, immediately, *de facto* complainant and her 1st son Raja Edwin came to India on 10.12.2009.

16. According to the *de facto* complainant, after the demise of her second son Ravi Edwin, 2nd Respondent/Accused had filed a Claim Petition in M.C.O.P.No.1266 of 2010 before the Motor Accidents Claims Tribunal, Chennai claiming a sum of Rs.26,00,000/- as compensation for the death of Ravi Edwin. Without the knowledge of *de facto* complainant, 2nd Respondent/Accused had included the *de facto* complainant as one of the claimants in the said Claim Petition. The 2nd Respondent/Accused had impersonated the signature of *de facto* complainant in the Vakalat of said Claim Petition and had filed the same before the Tribunal. That apart, while the *de facto* complainant was residing in Chennai, she bought 390 sovereigns of gold jewels. The said jewels and some of the property documents of *de facto* complainant were taken away by the 2nd Respondent/Accused.

17. When the *de facto* complainant came to know that 2nd Respondent/Accused had filed a Claim Petition before the Tribunal by impersonating the signature of *de facto* complainant and the Tribunal had awarded a sum of Rs.20,00,000/- as compensation to the 2nd Respondent/Accused, *de facto* complainant gave a complaint to the Additional Director General of Police, CB CID, Chennai requesting to conduct an enquiry to find out the person who had impersonated her signature and punish the impersonator. However, no action was taken on the complaint of *de facto* complainant. Hence, *de facto* complainant had filed a criminal original petition before this Court praying to issue appropriate direction to the 1st Respondent Police to register a case against the 2nd Respondent/Accused. This Court vide Order dated 01.12.2017, disposed of the said criminal original petition by directing the 1st Respondent Police to register a FIR against the 2nd Respondent/Accused. Thereafter, 1st Respondent Police had registered a case in Crime No.13 of 2017 against the 2nd Respondent/Accused under Sections 465, 468, 471, 420, 506(i) and 120(B) of I.P.C and had filed the Final Report before the learned Special Metropolitan Magistrate Court for CCB & CB-CID Cases, Egmore, Chennai. The said Final Report was taken on file in C.C.No.8595 of 2019.

18. After considering the oral and documentary evidences, the Trial Court had held that 2nd Respondent/Accused is not found guilty for commission of offence under Section 420 of IPC and hence, she is acquitted under Section 248(i) of Cr.P.C, but, she is found guilty for commission of offence under Sections 465, 468 & 471 of IPC and hence, she is convicted and sentenced as follows:

S.No.	Offence	Punishment
1	Under Section 465 of IPC	To undergo 2 years rigorous imprisonment and to pay a fine of Rs.3,000/-, in default, to undergo 3 months rigorous imprisonment.
2	Under Section 468 of IPC	To undergo 3 years rigorous imprisonment and to pay a fine of Rs.3,000/-, in default, to undergo 3 months rigorous imprisonment.
3	Under Section 471 of IPC	To undergo 3 years rigorous imprisonment and to pay a fine of Rs.3,000/-, in default, to undergo 3 months rigorous imprisonment.

19. Challenging the judgment of conviction and sentence passed by the Trial Court, 2nd Respondent/Accused had filed a Criminal Appeal before the 1st Appellate Court. In the meantime, challenging the very same judgment of acquittal passed by the Trial Court, Appellant/P.W.1 had filed a Criminal Appeal before the 1st Appellate Court.

20. The 1st Appellate Court has allowed the Criminal Appeal filed by the 2nd Respondent/Accused and dismissed the Criminal Appeal filed by the Appellant/P.W.1. Aggrieved by the judgment of 1st Appellate Court, Appellant/P.W.1 has preferred the present Criminal Appeals before this Court.

21. The main allegation against the 2nd Respondent/Accused is that without the consent of *de facto* complainant, 2nd Respondent/Accused had included the *de facto* complainant as one of the claimants in the Claim Petition and that apart, 2nd Respondent/Accused had impersonated the signature of *de facto* complainant in the Vakalat of said Claim Petition and submitted the said Vakalat before the Tribunal as if the *de facto* complainant had expressed her consent for filing the said Claim Petition. The 2nd Respondent/Accused had unlawfully filed the Claim Petition without the knowledge of *de facto* complainant only for her unlawful gain.

22. The Advocate who filed the Claim Petition was examined as P.W.3 in the present case. P.W.3 is a Junior Advocate and that apart, he is a

friend of deceased Ravi Edwin. P.W.3 knew the family of deceased Ravi Edwin since 1990. During the examination of P.W.3, it was deposed by P.W.3 that Ravi Edwin had requested him to conduct the cases of his brother Raja Edwin (P.W.2) and the said Raja Edwin (P.W.2) had appointed the 2nd Respondent/Accused as his Power of Attorney for conducting the cases in India on his behalf. P.W.3 further deposed that he was previously engaged as a counsel in the various cases of Raja Edwin (P.W.2) and thus, he knew the 2nd Respondent/Accused even before the death of Ravi Edwin. Further, P.W.3 had deposed that on 12.12.2009, he went to Ravi Edwin's house and gave the Claim Petition Papers & Vakalat to *de facto* complainant in the presence of Raja Edwin (P.W.2) and 2nd Respondent/Accused in order to obtain the signature of 2nd Respondent/Accused and *de facto* complainant in the said petition and Vakalat, pursuant to which, on 13.12.2009, 2nd Respondent/Accused, *de facto* complainant and Raja Edwin (P.W.2) came to the office of P.W.3 and signed the Claim Petition papers and Vakalat in the presence of P.W.3. Thereafter, the Claim Petition was filed before the Tribunal. Before the Trial Court, the signature put by P.W.3 in the Vakalat of Claim Petition was marked as Ex.P4 and the Claim Petition was marked as Ex.P5. The Tribunal vide Order dated 24.01.2013, awarded a sum of

Rs.20,00,000/- as compensation for the claimants in M.C.O.P.No.1266 of 2010.

23. It is to be noted that Raja Edwin who was examined as P.W.2 is the elder brother of deceased Ravi Edwin. During examination, Raja Edwin (P.W.2) had deposed that upon receiving the information that Ravi Edwin had died in a road accident on 09.12.2009, immediately, he came to India along with his mother *de facto* complainant on 10.12.2009 and thereafter, he and his mother *de facto* complainant left India on 06.02.2010. According to Raja Edwin (P.W.2), 2nd Respondent/Accused had filed the Claim Petition in the month of April, 2010 and at the time of filing the said Claim Petition, *de facto* complainant was not in India. Therefore, 2nd Respondent/Accused had impersonated the signature of *de facto* complainant in the Vakalat and Claim Petition.

24. As per the evidence of P.W.3, on 12.12.2009 i.e., 3 days after the death of Ravi Edwin, P.W.3 went to the house of deceased Ravi Edwin and handed over the papers of Claim Petition and Vakalat to the *de facto* complainant in the presence of Raja Edwin (P.W.2) and 2nd

Respondent/Accused and thereafter, on 13.13.2009, Raja Edwin (P.W.2), *de facto* complainant and 2nd Respondent/Accused came to the office of P.W.3, where, 2nd Respondent/Accused and *de facto* complainant had signed the papers of Claim Petition and Vakalat in the presence of P.W.3.

25. On perusal of the Vakalat (Ex.P4) and Claim Petition (Ex.P5), it is seen that both the Vakalat (Ex.P4) and Claim Petition (Ex.P5) were filed on 01.04.2010. In the said Claim Petition, the address of 2nd Respondent/Accused and *de facto* complainant has been mentioned as No.6, II Main Road, Balaji Nagar, Ekkattuthangal, Chennai – 600 097. Further, 2nd Respondent/Accused, her two daughters and *de facto* complainant were shown as legal heirs of the deceased Ravi Edwin in the Claim Petition. Both in the Vakalat (Ex.P4) and Claim Petition (Ex.P5), 2nd Respondent/Accused and *de facto* complainant had put their signature respectively and that apart, 2nd Respondent/Accused had put her signature on behalf of her two daughters as well.

26. In the present case, *de facto* complainant's second son Ravi Edwin had died in a road accident 09.12.2009. According to the *de facto*

complainant, after the demise of her second son Ravi Edwin, 2nd Respondent/Accused had filed a Claim Petition before the Tribunal on 01.04.2010 without her consent. If the Claim Petition was filed by the 2nd Respondent/Accused without the knowledge of *de facto* complainant, immediately, *de facto* complainant ought to have raised objection for including her as one of the claimants in Claim Petition, but, without doing so, *de facto* complainant had lodged a complaint to the Additional Director General of Police, CB CID, Chennai only in the year 2017 i.e., after a lapse of 7 years from the filing of Claim Petition.

27. The Investigation Officer of CBCID has sent the disputed signature to Forensic Department in order to obtain the opinion of handwriting expert regarding the genuineness of the disputed signature. The documents such as cheques and challans belonged to the years 2008, 2009 and 2010 signed by the *de facto* complainant were forwarded to the Forensic Department for examination. The opinion of the Forensic Experts were received only in the year 2018. P.W.13, Forensic Expert who compared the admitted signature and disputed signature had stated that the signature in the Vakalat and Claim Petition differs from the signature in the sample

documents like cheques and challans. However, during the cross examination, P.W.13 had stated that the specimen signatures of the *de facto* complainant have not been sent for examination.

28. It is a settled proposition of law that the Forensic Report alone cannot be considered as substantive evidence for conviction, unless it is supported by other corroborative evidence or documents. In the instant case, 1st Appellate Court has rightly appreciated the oral and documentary evidences which were produced before it.

29. From the evidence of P.W.13, it is clear that only the cheques and challans belonged to the years 2008, 2009 and 2010 signed by the *de facto* complainant were forwarded to the Forensic Department for examination, and the specimen signatures of *de facto* complainant have not been sent for examination. That apart, *de facto* complainant has not cross examined P.W.3 which itself shows that there is a truth in the statement of P.W.3. Therefore, the 1st Appellate Court has rightly held that since P.W.3 had stated in his evidence that on 13.13.2009, Raja Edwin (P.W.2), *de facto* complainant and 2nd Respondent/Accused came to his office, where, 2nd Respondent/Accused

and *de facto* complainant had signed the papers of Claim Petition and Vakalat in his presence, the specimen signatures of the *de facto* complainant has not been sent to Forensic Department.

30. Furthermore, P.W.3 had deposed in his evidence that he is a friend of deceased Ravi Edwin and he knew the 2nd Respondent/Accused even before the death of Ravi Edwin. Therefore, as an Advocate and friend of deceased Ravi Edwin, immediately after the death of Ravi Edwin, P.W.3 went to the house of deceased Ravi Edwin and handed over the Claim Petition papers and Vakalat to the *de facto* complainant in the presence of Raja Edwin (P.W.2) and 2nd Respondent/Accused in order to obtain the signature of *de facto* complainant and 2nd Respondent/Accused in Vakalat and Claim Petition.

31. The fact remains that after the death of Ravi Edwin, with regard to the movable and immovable family properties, there was a dispute between the 2nd Respondent/Accused and *de facto* complainant. Therefore, with the help of hooligans, 2nd Respondent/Accused had tried to evict the *de facto* complainant and Appellant/P.W.1 from the *de facto* complainant's own

house. Therefore, *de facto* complainant at the instigation of her another son viz., Raja Edwin (P.W.2) and Appellant/P.W.1, had lodged a false complaint against the 2nd Respondent/Accused stating that 2nd Respondent/Accused had impersonated the signature of *de facto* complainant in the Vakalat and Claim Petition for her unlawful gain.

32. Since the *de facto* complainant is also one of the legal heirs of the deceased Ravi Edwin, 2nd Respondent/Accused had included the *de facto* complainant as one of the claimants in the Claim Petition. As rightly held by the 1st Appellate Court that the signature in the Vakalat was put by *de facto* complainant and 2nd Respondent had neither cheated nor created any fraudulent document. As per the Order dated 24.01.2013 in M.C.O.P.No.1266 of 2010 passed by the Tribunal, out of the total compensation of Rs.20,00,000/-, *de facto* complainant (mother of the deceased Ravi Edwin) is entitled to Rs.3,00,000/-. Thus, the amount of Rs.3,00,000/- awarded to the *de facto* complainant was not received by the 2nd Respondent/Accused. Therefore, it is crystal clear that the 2nd Respondent/Accused has not filed the Claim Petition for her unlawful gain.

33. Considering the above facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court is of the opinion that the judgment passed by the 1st Appellate Court is just and reasonable and the same does not warrant any interference. Hence, these Criminal Appeals are liable to be dismissed.

34. Accordingly, these Criminal Appeals are dismissed and the Common Judgment dated 12.02.2025 in Crl.A.Nos.337 & 385 of 2024 passed by the learned I Additional Sessions Judge, City Civil Court, Chennai is confirmed. Consequently, 2nd Respondent/Accused is acquitted from all the charges. Fine amount, if any, paid by the 2nd Respondent/Accused is ordered to be refunded to her. Bail bond(s), if any, executed by 2nd Respondent/Accused shall stand cancelled.

07.10.2025

mrr

Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

1.The I Additional Sessions Judge,
City Civil Court, Chennai.

2.The Metropolitan Magistrate
For Exclusive Trial of CCB Cases (relating
to cheating cases in Chennai) CBCID Metro Cases,
Egmore, Chennai.

3.The Inspector of Police,
Metro Wing II, CB – CID,
Egmore, Chennai.

4.The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.

mrr

Crl.A.Nos.344 & 345 of 2025

07.10.2025