



Crl.O.P.No.5013 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl. O.P. No. 5013 of 2026

and

Crl. M.P. Nos. 3693 and 3697 of 2026

Hemalatha

... Petitioner

Vs.

K. Lokeshbabu

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order passed in Crl.M.P.No.2390 of 2025 in C.C.No.160 of 2020 dated 23.01.2026 on the file of the Judicial Magistrate, Gudiyatham, dismissing the petition filed by the petitioner under Section 94 of BNSS (under Section 91 of Cr.P.C.).

For Petitioner : Mr. R. Karthikeyan

ORDER

This Criminal Original Petition has been filed to set aside the order dated 23.01.2026 passed in Crl.M.P.No.2390 of 2025 in C.C.No.160 of 2020



CrI.O.P.No.5013 of 2026

dated 23.01.2026 on the file of the Judicial Magistrate, Gudiyatham, dismissing the petition filed by the petitioner under Section 94 of BNSS (under Section 91 of Cr.P.C.).

2. The petitioner / A2, who is facing trial for the offence under Section 138 of Negotiable Instruments Act, in C.C.No.160 of 2020 filed by the respondent and pending before the Judicial Magistrate, Gudiyatham, filed a petition under Section 91 Cr.P.C., to summon certain documents from the BDO Office, Pernambut, in order to compare the same with the signature found in the cheque in C.M.P. No. 2390 of 2025. The trial Court, by order dated 23.01.2026 dismissed the said petition.

3. The contention of the petitioner is that she did not sign the cheque and that the said signature has been forged. The petitioner further contends that there is no legally enforceable liability between the petitioner and the respondent and that the cheque was not issued in discharge of any liability.

3.1. It is also contended that the statutory notice was not sent to the address at which the petitioner was residing and that the notice was sent to a wrong address and returned with the endorsement “door locked”. The



CrI.O.P.No.5013 of 2026

petitioner, who is arrayed as A2, has been projected as a joint signatory.

Even at the initial stage, the petitioner had denied any such liability.

3.2. The petitioner had also filed another petition in C.M.P.No.2391 of 2025 seeking to send the cheque along with the disputed signature for comparison by a handwriting expert in order to ascertain the genuineness of the signature, once the documents are summoned from the BDO Office. The trial Court, by order dated 23.01.2026, dismissed C.M.P.No.2391 of 2025 seeking to send the cheque for handwriting expert opinion and consequently dismissed the petition filed to summon documents.

4. On perusal of the order passed by the trial Court in C.M.P.No.2391 of 2025, it is seen that the case is of the year 2020 and the case is posted for cross-examination of the complainant/PW.1. In this case, the affidavit of the complainant was filed on 25.06.2024 and the petitioner filed the present petition on 06.05.2025, nearly after one year. The reasoning of the trial Court is that, instead of cross-examining the complainant, the petitioner had filed the petition, which is not proper and therefore, the same was dismissed.



Crl.O.P.No.5013 of 2026

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5. This Court finds no reason to entertain the present petition or to interfere with the order passed by the trial Court. However, in order to probabalise the defence, the petitioner has to first cross-examine the complainant and put forth her disputing the signature. Thereafter, it is open to the petitioner to file appropriate petition seeking to summon the documents from the BDO Office and to forward the same along with the disputed signature in the cheque to a handwriting expert. If sufficient ground is raised, thereafter the trial Court shall consider the same and pass appropriate orders in accordance with law, if any such similar petition is filed after cross examining the complainant/PW.1.

6. With the above observation, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

04.03.2026

Neutral Citation: Yes/No

AT

Note: Issue order copy on 06.03.2026

4/5



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Crl.O.P.No.5013 of 2026

M.NIRMAL KUMAR, J.

AT

To
The Judicial Magistrate, Gudiyatham,

Crl. O.P. No. 5013 of 2026 and
Crl. M.P. Nos. 3693 and 3697 of 2026

04.03.2026

5/5