CASE ANALYSIS

India’s Supreme Court Quashes Will Forgery FIR and Leaves Validity to Probate Court

The Court weighed the handwriting opinion against evidence of the will’s execution, quashed the IPC forgery case and directed the probate court to decide validity on its own evidence.

By Shahbaz Shah · 24 November 2026

Babita Chopra v. State (GNCT of Delhi) · 2026 INSC 1258

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The handwriting report questioned the signature on a registered will. The registration record and an attesting witness gave a different account of its execution. In Babita Chopra’s appeal, the Supreme Court of India considered those materials together and quashed the forgery FIR under Sections 467 and 471 of the Indian Penal Code. The probate court still has to decide whether the will is valid. The Supreme Court delivered its reasons on 17 November 2026, and the Court uploaded them on 23 November. Order, paragraphs 12–20.

How the probate dispute became a criminal case

Babita Chopra and her mother sought probate in 2014 as beneficiaries of a will attributed to Chopra’s brother. The document was dated 29 April 2011 and registered on 4 May 2011. The testator’s son disputed the signature, and the will was sent for examination in the probate proceedings. The handwriting expert reported that the disputed signature differed from the specimens and had been written by someone other than the testator. Order, paragraph 2.

The son used the report in an application under Section 156(3) of the Code of Criminal Procedure. A Delhi magistrate directed the police to register an FIR. The Delhi High Court refused to quash the resulting case under Section 482 CrPC, and Chopra appealed. Order, paragraphs 3–5.

How the Court weighed the handwriting opinion

The Court treated a handwriting expert's opinion as relevant evidence under Section 45 of the Indian Evidence Act. It drew on earlier decisions, including *Chennadi Jalapathi Reddy v. Baddam Pratapa Reddy*, to explain why judges should assess whether the opinion is supported by independent evidence. Its weight depends on the record. Credible substantive proof of how the document was executed takes precedence over an opinion about the handwriting. Order, paragraphs 7 and 10–12.

The Registrar had recorded that the testator presented the will and affixed his thumb impression in the Registrar's presence. Two witnesses attested the document and were present at registration. One told investigators that the testator signed every page in front of him. The Court also noted that the testator's medical history recorded a stroke, which could affect handwriting. These facts gave the Court a basis to assess the disputed signature alongside the evidence of execution. Order, paragraphs 14–17.

The probate court will decide the will's validity

The Court distinguished a pending probate case from a final probate judgment. Section 41 of the Evidence Act concerns qualifying final judgments, so the mere existence of a pending probate case does not determine the criminal case. In *Syed Askari Hadi Ali Augustine Imam*, the prosecution also alleged trespass and began before the probate case. The result in Chopra's appeal depended on the evidence and chronology of her own case. Order, paragraphs 8–12.

The Supreme Court set aside the magistrate's direction and quashed FIR No. 197 of 2024, registered at Laxmi Nagar police station on 23 June 2024. The relief covered Chopra and the attesting witnesses named in the case. The judges directed an expeditious probate hearing and left the probate court to evaluate its own evidence. They added that a later refusal of probate would not revive this prosecution on these facts. Order, paragraphs 17–22.

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Frequently asked questions

What happened to the forgery FIR against Babita Chopra?

The Supreme Court quashed the FIR under Sections 467 and 471 IPC and set aside the magistrate's order directing its registration. Order, paragraphs 18–20.

How much weight does a handwriting expert's report carry?

It is relevant opinion evidence. Its weight depends on the other evidence, including any credible substantive proof of the document's execution. Order, paragraphs 10–12.

Did registration settle whether the will was valid?

The registration record supported execution at the stage of quashing. The probate court must still decide validity on the evidence before it. Order, paragraphs 14, 17 and 20.

Does a pending probate case automatically stop a forgery prosecution?

The pendency of the probate proceeding alone does not attract Section 41 of the Evidence Act. The Court considered the two proceedings and the evidence in the circumstances of this case. Order, paragraphs 8–12.