



2026:AHC:61655

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 12152 of 2025

Chetan Kumar

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s) : Shivam Shukla, Sushil
Kumar Shukla

Counsel for Respondent(s) : G.A.

Court No. - 89

HON'BLE ANIL KUMAR-X, J.

1. Learned counsel for the petitioner and Shri R.K. Singh, learned AGA for the State-respondents are present.

2. Learned counsel for the petitioner submitted that a Complaint Case No. 1049 of 2022 (Arimardan Singh Vs. Chetan Kumar) under section 138-N.I. Act, Police Station-Mahoba, District-Mahoba was instituted against the petitioner by respondent no.2. Company in the said complaint case was not impleaded as a party. The said grave illegality was raised by the petitioner by moving a discharge application before the trial court, but the trial court, vide its order dated 5.8.2023, dismissed the discharge application of the petitioner. He, thereafter, preferred Criminal Revision No. 84 of 2023 (Chetan Kumar Versus State of U.P. and others) before the concerned court. Said revision was also dismissed vide impugned order dated 24.9.2024. It was submitted that both courts have committed patent illegality in dismissing the discharge application as well as criminal revision filed by the petitioner.

3. Learned AGA submitted that there is no illegality in the impugned orders passed by the trial court as well as by revisional court.

4. Heard learned counsel for the parties and perused the record.

5. It is trite that no discharge application can be filed by an accused in summons case. He is entitled to file a discharge application only in those cases where a Magistrate exercises his discretion and converts the summons case into a warrant case.

6. Hence, the petition is bereft of merits and is, accordingly, **dismissed.**

March 25, 2026
SK

(Anil Kumar-X,J.)