

**In The Court of Sessions Judge,**

**Vaishali, Bihar 844101.**

**Distt. - Vaishali, BIHAR.**

**Criminal Revision No. 146 of 2025**

**Arising out of Complaint Case No. C-1 - 3821 of 2015**

1. Vinod Kumar Son of late Lakshmi Narayan Sharma aged about 59 years resident of village/mohalla Anandpur, Boring Canal Road, PS Sri Krishnapuri, District Patna

.....The Revisionist

**Vs**

1. The State of Bihar

2. Suman Mishra wife of Rajesh Kumar Mishra aged about 45 years resident of mohalla Indirapuri Road, Aradhana House, PS Patliputra District Patna

.....The Opposite Parties

*The criminal revision has been preferred by the revisionist against the order dated 02.07.2025 passed by Learned Hari Priya Judicial Magistrate 1<sup>st</sup> Class Hajipur, in Complaint Case No. C-1-3821 of 2015 (Siman Mishra vs Vinod Kumar) whereby and whereunder the learned Magistrate has rejected the discharge application dated 08.05.2025.*

*Counsel for the Revisionists: Learned Senior Advocate Sri Uma Shankar Singh  
Counsel for the Opposite Party No.1: Learned P.P. Sri Shyam Babu Rai.  
Counsel for the Opposite Party No.2: Learned Advocate Sri Santosh Kumar Singh*

**Dated- 24.04.2026**

**Present- Harshit Singh.**

**J u d g e m e n t**

1. The criminal revision has been preferred by the revisionist against the order dated 02.07.2025 passed by Learned Hari Priya Judicial Magistrate 1<sup>st</sup> Class Hajipur, in Complaint Case No. C-1-3821 of 2015 (Siman Mishra vs Vinod Kumar) whereby and whereunder the learned Magistrate has rejected the discharge application dated 08.05.2025.

2. Heard learned Counsel for Revisionist and Learned Public Prosecutor for the State as well as the Counsel for the Opposite Party No.2.

3. In this revision petition, the revisionists have taken following grounds for impugning the order dated 08.05.2025 -

1. That the order of the learned Magistrate is bad in law as well as on fact.
2. That the impugned order is against the weight of evidence on record.

*24.4.26*

3. That the Court below ought to have taken into consideration that in view of decision of the Honorable Apex Court the application of discharge is maintainable even in summon cases.

4. That the Court below in not taking into consideration that a particular individual cannot be prosecuted when the matter relates to a company and as such whole complaint was in the teeth of section 141 NI Act.

5. That the Court below utterly failed to consider that admittedly as per the statement of the complainant there were three directors of the company.

6. That the Entire process was done at Patna and only two create a jurisdiction at Hajipur a manipulated allegation of handing over the check at Hajipur as too on a road and the that the Court below failed to consider this aspect of the allegation which was ipso facto untenable.

7. That the impugned order has caused serious prejudice to the petitioner and the ground incorporated in the order sheet has no merit either with law or facts.

8. That the impugned order is illegal improper and incorrect as well.

9. That the impugned order is based on conjectures and surmises and is otherwise wrong and erroneous

Hence prayed to allow the present criminal revision and set aside the order dated 08.05.2025 passed by Ld. Hari Priya Judicial Magistrate 1<sup>st</sup> Class, Hajipur.

4. Heard the learned Counsel for the revisionist and the learned Counsel for the State as well as learned Counsel for the opposite party no.2 and also perused the materials available on record as well as the impugned order.

5. It is also apposite to reiterate the observations in *P. Mohanraj v. Shah Bros. Ispat (P) Ltd (2021) 6 SCC 258* wherein Hon'ble Apex Court referred the offence under section 138 NI Act as a "Civil Sheep" in "Criminal Wolfs Clothing" which meant issues agitated by the parties under the said provision are of private nature which are brought within the sweep of criminality jurisdiction in order to strengthen the credibility of the negotiable instruments.

6. In *B.V. Sessaiah v. State of Telangana (2023) 18 SCC 512* Hon'ble Apex Court was of the view that when parties enter into an agreement and compound the offence, they do so to save themselves from the process of litigation and when such a step is taken by the parties, the law very well allows them to do so. Hence, the courts cannot override such compounding and impose its will.

24.4.26  
7. In *Gyan Chand vs Harpal Singh 2025 SCC OnLine SC 2317* the Hon'ble Apex Court observed "Therefore, it is very clear that although dishonour of cheque entails criminal consequence, the legislature by virtue of section 147 of the NI Act has made it compoundable notwithstanding the provisions of the Code of Criminal Procedure, 1973 and the same can be compounded at any stage of the proceedings especially when the parties have themselves arrived at a voluntary compromise."

On the aforesaid observation the Hon'ble Apex Court allowed the appeal, set-aside the order and further ordered that the order of conviction and sentence imposed on appellant is quashed.

8. In this present appeal, the parties had compromised the case and filled the settlement deed having the signature of both the parties identified by their lawyers. It is pertinent to mention that at the time of preferring revision the case was continuing at the stage of argument.

9. Following up the factual matrix of the case and also in the view of the law laid

down by the apex Court, the revision is liable to be disposed off on the terms and condition of both the parties as per their settlement deed filed before this Court.

**Order**

Consequently,

- a. The instant revision petition is disposed off on the basis of the settlement arrived by the parties. Parties are directed to appear before the Court as per their settlement and follow the conditions. Revisionist is directed to adhere to the terms of the settlement to the letter and spirit of their settlement. The copy of their settlement will also be the part of the order of this revision.
- b. Learned Trial Court is requested to proceed in accordance with law.
- c. Let a copy of this order along with the copy of settlement be sent to the concerned court along with the LCR.

*The Judgement is pronounced and delivered in the open Court in presence of the parties under my seal and signature on this 24<sup>th</sup> of April 2026.*

**The Judgment is dictated and corrected by:**

*Harshit Singh*

Harshit Singh  
Sessions Judge  
Vaishali  
Dated: 24.04.2026

*Harshit Singh*

Harshit Singh  
Sessions Judge  
Vaishali  
Dated: 24.04.2026