2026 INSC 267

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026
(@ SLP (Crl.) NO. 9452 OF 2025)

SUJOY GHOSH ... APPELLANT

VERSUS

THE STATE OF JHARKHAND & ANR. ... RESPONDENTS

J U D G M E N T

ALOK ARADHE, J.

1. Leave granted.

2. This appeal is directed against the order dated 22.04.2025 passed by the High Court of Jharkhand (High Court), whereby petition preferred by the appellant under Section 482 of Code of Criminal Procedure (Code) has been dismissed.

3. Facts leading to filing of this appeal briefly stated are that the appellant is a film Director and screenwriter. He directed the film titled '**Kahaani**', which was released on 09.03.2012. The film received wide acclaim, and the appellant was granted National Award for Best Screenplay in 2013. Thereafter on 10.10.2013, the appellant created and registered first half of

the script, for the film titled '**Kahaani-2: Durga Rani Singh**' (**Kahaani-2**) with Screen Writers Association (SWA).

4. According to the complainant, he travelled to Mumbai and met the appellant and one Prabhat Kumar Thakur (alleged owner of Western India Film Producers Association) on 29.06.2015. The complainant sought a recommendation letter required for registering a film script and allegedly left a copy of his script titled **'Sabak'** with the appellant. The complainant claims that he registered the script '**Sabak**' with SWA on 31.07.2015. The film directed by the appellant titled '**Kahaani-2'**, was released on 02.12.2016.

5. The complainant filed a complaint on 23.12.2016 before the SWA alleging that the film '**Kahaani-2**' infringed the copyright of his script '**Sabak**'. The dispute was referred to SWA Dispute Settlement Committee.

6. During the pendency of the proceeding before the said Committee, the complainant filed a complaint before the Chief Judicial Magistrate, Hazaribagh (CJM), alleging that he had authored the script titled '**Sabak**' and shared the same with the appellant, and that the appellant produced the film '**Kahaani-**

2' using his script without permission. Accordingly, it was alleged that the appellant had committed offences punishable under Sections 63, 65, 65A of the Copyright Act, 1957 (Act) and Section 387 of the Indian Penal Code (IPC).

7. However, during the pendency of the proceedings before the CJM, and before order of cognizance could be passed, the Dispute Settlement Committee of SWA consisting of experts, by an order dated 24.02.2018, held that there was no similarity between the appellant's film and the complainant's script, consequently rejected the complaint.

8. The CJM, after recording the statements of complainant's real brother and cousin, by an order dated 07.06.2018 (summoning order) held that there was sufficient material to proceed with the complaint against the appellant and co-accused Prabhat Kumar Thakur, and that a *prima facie* case under Section 63 of the Act was made out. The summons were accordingly issued.

9. The appellant, thereafter, filed a petition under Section 482 of the Code seeking quashing of the criminal proceedings. The High Court by an order dated 22.04.2025, held that Magistrate's role at summoning stage is limited to ascertain

whether sufficient ground exists to proceed. It was further held that the complaint contained direct and specific allegations of copyright infringement, the veracity of which has to be tested during trial. The High Court observed that the inherent powers under Section 482 of the Code should not be exercised to stifle a legitimate prosecution. Accordingly, the petition was dismissed. Hence, this appeal.

10. Learned senior counsel for the appellant submitted that the summoning order discloses complete non-application of mind as there is no material on record, even *prima facie,* to conclude that there was any similarity between the appellant's film '**Kahaani-2**' and complainant's script '**Sabak**'. It is contended that neither the complaint nor statements of witnesses contain any assertion identifying any portion of the complainant's script that was allegedly copied. It is urged that the complainant deliberately suppressed a crucial document, namely, letter dated 24.02.2018 sent by SWA to the complainant, observing that the expert panel of SWA on comparison had found no similarity between rival works. It is also pointed out that script of appellant's film '**Kahaani-2**' was registered much prior to complainant's script and, therefore,

the complaint is malicious in nature and constitutes abuse of process of law. In support of the aforesaid submissions, reliance has been placed on the decisions of this Court[1].

11. On the other hand, the learned counsel for the complainant submitted that CJM on examination of the complaint, supporting documents and statements of the witnesses, found sufficient ground to proceed against the appellant for offence under Section 63 of the Act. It is contended that at the stage of cognizance and issuance of process, the Magistrate is only required to ascertain whether a *prima facie* case exists and is not expected to undertake a detailed evaluation of evidence or determine the veracity of the allegations. It is, therefore, submitted that the impugned orders, do not call for any interference in this appeal. In support of the aforesaid submissions, reliance has been placed on the decisions of this Court[2].

12. We have bestowed our consideration to the rival submissions and have traversed the record.

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[1] **Birla Corporation Limited** v. **Adventz Investments and Holdings Limited & Ors., (2019) 16 SCC 610, Mohd. Wajid & Anr.** v. **State of Uttar Pradesh & Ors., (2023) 20 SCC 219, Rekha Sharad Ushir** v. **Saptashrungi Mahila Nagari Sahkari Patsansta Ltd., (2025) SCC Online SC 641** and **Pradeep Kumar Kesarwani** v. **State of U.P. and Anr., (2025) SCC OnLine SC 1947.**

[2] **State of Haryana & Ors.** v. **Bhajan Lal & Ors., 1992 Suppl (1) SCC 335** and **Dhariwal Tobacco Products Ltd. & Ors.** v. **State of Maharashtra & Anr., AIR 2009 SC 1032.**

13. The principles governing summoning of an accused in a criminal case as well as parameters for quashing criminal proceedings are well-settled. Summoning of an accused in a criminal case is a serious matter and criminal law cannot be set into motion as a matter of course. It is not that the complainant has to bring only two witnesses to support his allegations in the complaint to have the criminal law set into motion. The order of the Magistrate summoning the accused must reflect application of mind to the facts of the case and the law applicable thereto. The Magistrate must carefully scrutinise the evidence brought on record and determine whether any offence is *prima facie* made out. The Magistrate may even himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise, and then examine if any offence is prima facie committed by all or any of the accused[3].

14. When an accused seeks quashing of either the FIR or criminal proceedings on the ground that such proceedings are manifestly frivolous, vexatious or malicious, the Court is duty bound to examine the matter with greater care. It will not be

[3] **Pepsi Foods Ltd. & Anr.** v. **Special Judicial Magistrate & Ors.; (1998) 5 SCC 749** and **Vikas Chandra** v. **State of Uttar Pradesh and Another, 2024 SCC OnLine SC 1534.**

just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case, over and above the averments and, if need be, with due care and circumspection, and try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the Code or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation[4].

15. In the backdrop of the aforementioned legal principles, we may advert to the facts of the case in hand. We have carefully perused the complaint. The allegations with regard to copyright infringement are contained in Paras 9 and 10 of the complaint, which read as under:

[4] **Mohd. Wajid & Anr. (supra)**

> "**9.** That the complainant saw a film produced by accused no.1 'Kahanni-2' at Laxmi Chitramandir Hazaribagh on 03.12.2016 and after seeing the said film, the Complainant was surprised because the said film was made on the script written by the complainant, and most scenes were based on complainant's script.
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> **10**. That after seeing the said film the complainant understood that the accused had stolen his script and made the film by violating copyright provisions."

Thus, it is evident that the complaint only contains a bald and unsubstantiated allegations and do not even *prima facie* disclose the similarity between the film and the script.

16. Likewise, the statement of the complainant and witnesses namely, Ajay Kumar Mehta (brother of the complainant) and Jai Kishore Mehta, (cousin of the complainant), do not identify any feature of the script allegedly copied. It is pertinent to note that Dispute Settlement Committee of SWA comprising experts in its order dated 24.02.2018, found no similarity between the film and the script and dismissed the complaint. The aforesaid order was passed before recording the statements of the witnesses and before a summoning order was passed. However, the complainant and his witnesses concealed the aforesaid

material fact and did not bring the same to the notice of the Court.

17. On the basis of aforesaid material on record, there is no material on record to prima facie conclude that there was any similarity between appellant's film and complainant's script. In the summoning order, the CJM has even failed to record the satisfaction that there is any similarity between the appellant's film and the complainant's script. The summoning order, therefore, has been passed in mechanical manner and suffers from vice of non-application of mind. The High Court has also failed to appreciate that the summoning order has been passed without any application of mind and in the absence of sufficient material on record.

18. The material on record reveals that '**Kahaani-2**' is a sequel to the earlier film of the appellant, namely '**Kahaani**'. The appellant registered the synopsis of the film on 10.12.2012 under the title '**Kolkata**'. The partial script of the said film, then titled '**Durga Rani Singh'**, was registered on 10.10.2013. The full script of the said film, then titled '**Karaar'**, was registered on 02.12.2013. Admittedly, the complainant went to Mumbai on 29.06.2015 and registered his script on

31.07.2015. Thus, the appellant's work clearly preceded the complainant's script in point of time and the question of copyright infringement does not arise as the complainant's script was not even in existence when the appellant registered his screenplay.

19. For the reasons stated above, the inevitable conclusion is that the proceedings instituted against the appellant are manifestly frivolous and vexatious.

20. In the result, the summoning order dated 07.06.2018 passed by the CJM, and order dated 22.04.2025 passed by the High Court, are quashed and set aside. The proceeding in Complaint Case No.1267 of 2017, pending before CJM, Hazaribagh, is quashed and set aside.

21. Accordingly, the appeal is allowed.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ALOK ARADHE]

NEW DELHI;
MARCH 20, 2026.