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Beyond the complaint: expanding the High Court's power to quash frivolous criminal proceedings

The Supreme Court of India (“**Supreme Court**”) in *Sujoy Ghosh vs. State of Jharkhand and Anr.*¹, delivered a significant ruling reiterating that where quashing of criminal proceedings is sought on the ground that the complaint is frivolous, vexatious, or malicious, the court is not confined to the bare averments in the complaint/First Information Report (“**FIR**”). It may examine the attendant circumstances and materials on record (including undisclosed or exculpatory material) to determine whether a prima facie offence is genuinely made out or whether the proceedings amount to an abuse of process. The ruling marks a constructive step in refining the High Courts’ inherent powers to effectively eliminate malicious, vexatious, and frivolous criminal proceedings, an issue that frequently arises within the Indian criminal justice system.

Brief facts

The appellant, a film director and screenwriter, directed the film ‘Kahaani’ (released on March 9, 2012). On October 10, 2013, he created and registered the first half of the script for the film ‘Kahaani-2: Durga Rani Singh’ with the Screen Writers Association (“**SWA**”).

The complainant alleged that he met the appellant, sought a recommendation letter for registering his script, and left a copy of his script titled ‘Sabak’ with the appellant. He claimed to have registered the script of ‘Sabak’ with SWA on July 31, 2015. Upon release of ‘Kahaani-2’ on December 2, 2016, the complainant alleged copyright infringement and filed a complaint before SWA on December 23, 2016, which was referred to its Dispute Settlement Committee.

During pendency of those proceedings, the complainant also filed a criminal complaint before the Chief Judicial Magistrate, Hazaribagh (“**CJM**”), alleging that the appellant had used his script without permission, thereby committing offences under Sections 63, 65, 65A of the Copyright Act, 1957² and Section 387³ of the Indian Penal Code, 1860.

In the meanwhile, by order dated February 24, 2018, the SWA Dispute Settlement Committee held that there was no similarity between the 2 (two) works and rejected the complaint.

¹ 2026 INSC 267 (decided on March 20, 2026)

² Section 63 penalises the infringement of copyright or other rights conferred under the Copyright Act, 1957. Section 65 penalises the possession of plates for the purpose of making infringing copies. Section 65A prohibits and penalises the intentional circumvention of effective technological protection measures used to protect the rights under the Copyright Act, 1957, where such circumvention is undertaken with the intent of facilitating infringement.

³ Section 387 of the Indian Penal Code, 1860, penalises the act of putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion.

Subsequently, the CJM, by summoning order dated June 7, 2018, after recording statements of the complainant's brother and cousin, found sufficient material to proceed and held that a *prima facie* case under Section 63 of the Copyright Act, 1957 was made out, issuing summons to the appellant and co-accused. The appellant's petition under Section 482⁴ of the Code of Criminal Procedure, 1973 ("**CrPC**") seeking quashing was dismissed by the Jharkhand High Court ("**Jharkhand HC**") on April 22, 2025, holding that at the summoning stage only a *prima facie* view is required and that the allegations must be tested at trial. Aggrieved, the appellant approached the Supreme Court.

Issue

Whether the Jharkhand HC erred in rejecting the quashing petition by only confining itself to the averments in the complaint and ignoring the attendant circumstances and materials on record filed by the accused?

Findings and analysis

The Supreme Court reiterated that summoning an accused is a serious matter and cannot be done as a matter of course. The CJM must apply his mind to the facts and law, carefully scrutinise the evidence, and satisfy himself that a *prima facie* offence is made out, including by questioning the complainant and witnesses if necessary.

Notably, the Supreme Court held that where quashing is sought on the ground that proceedings are frivolous, vexatious or malicious, the court must examine the matter with greater care and is not confined merely to the averments in the complaint/FIR. It may consider attending circumstances, read between the lines, and take into account the overall circumstances and materials on record while exercising jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution of India, 1950.

Applying these principles, the Supreme Court found that the complaint contained only bald and unsubstantiated allegations of copyright infringement, without even *prima facie* disclosing any similarity between the appellant's film and the complainant's script. The statements of the complainant and his witnesses also failed to identify any feature of the script allegedly copied. Significantly, the SWA Dispute Settlement Committee had already, by order dated February 24, 2018, found no similarity between the works; however, this material fact was concealed from the CJM. There was no material to show any similarity between the works, and the CJM's mechanical summoning order was wrongly upheld by the Jharkhand HC despite lack of sufficient material.

The Supreme Court further noted that 'Kahaani-2' was a sequel to the appellant's earlier film 'Kahaani', and that the appellant had registered the synopsis and script in 2012-2013, whereas the complainant's script was registered only in 2015. Thus, the appellant's work clearly preceded the complainant's script, and the question of copyright infringement did not arise since the complainant's script was not even in existence at the relevant time.

Accordingly, the Supreme Court held that the proceedings were manifestly frivolous and vexatious, and quashed and set aside the summoning order dated June 7, 2018, the Jharkhand HC's order dated April 22, 2025, and the entire complaint proceedings pending before the CJM, Hazaribagh, thereby allowing the appeal.

Conclusion

This is the latest in an increasing trend of the Supreme Court recognising that it is difficult for an accused to get vexatious, frivolous or malicious criminal proceedings quashed when faced with the decades-old legal standard that criminal proceedings should continue if the averments made in the complaint/FIR, when read at face value to be true, constitute a cognisable offence. Thus, the issue encapsulates the tension between the limited scrutiny standard at the stage of cognisance and the court's duty to prevent abuse of process where the complaint is manifestly frivolous or unsupported by any material evidence.

⁴ Section 482 of the CrPC preserves the inherent powers of High Courts to prevent abuse of the judicial process and secure the ends of justice. This section is often invoked to quash FIRs or criminal complaints that are *prima facie* frivolous or malicious.

Since *Mohd. Wajid vs. State of U.P.*⁵, the court has started recognising that in such cases, the complainant may have taken care to word the complaint/FIR appropriately to survive a quashing petition. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the offence. Therefore, it will not be just enough for the court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether necessary ingredients constituting the alleged offence are disclosed. The court in *Mohd. Wajid* (supra), as well as *Pradeep Kumar Kesarwani vs. State of U.P.*⁶, has also expanded the scope of the documents and record that an accused may rely on in a quashing petition, which a court exercising inherent jurisdiction may consider in order to ‘read between the lines’ and understand all the attendant circumstances.

In the present case, proceedings were quashed partly on the basis of an exculpatory document (i.e., the SWA order dated February 24, 2018) that the complainant did not disclose with his complaint or during the pre-summoning examination of complainant's witnesses. However, the Supreme Court relied on the said document to quash the CJM's summoning order. The judgment is a positive development in shaping the High Courts' inherent jurisdiction to weed out malicious, vexatious and frivolous criminal proceedings, a routine phenomenon seen in the Indian criminal justice system.

⁵ (2023) 20 SCC 219

⁶ 2025 SCC OnLine SC 1947

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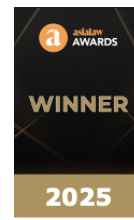
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