



Non-Reportable

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**Criminal Appeal No.3892 of 2026
(Arising out of SLP (Crl) No.12080 of 2026)**

Kanad Saha

...Appellant (s)

Versus

The State of West Bengal and Ors.

...Respondent (s)

ORDER

Leave granted.

2. An application filed by the appellant under Section 482 of the Code of Criminal Procedure, 1973 was dismissed by the impugned judgment. The complaint was filed by the 2nd respondent, a practicing advocate, under Sections 506 and 509 read with Section 34 of the Indian Penal Code, 1860.

3. The allegation was that the appellant, in aid of his friend, the 3rd respondent, who was the client of the 2nd respondent, had intimidated her and used abusive language. The High Court found that since a chargesheet has been filed, the appellant should take the remedy available before the jurisdictional trial court. The appellant is before us

contending that there is no case coming out from the FIR and the chargesheet, and the appellant, a Central Government employee, is unnecessarily dragged in.

4. We heard learned Senior Counsel for the appellant, Sri S.B. Upadhyay and the 2nd respondent, appearing in person. At the request of the 2nd respondent, we also permitted the proceedings to be carried out, in-camera.

5. The 2nd respondent, though, made submissions before us, they were general in nature and related to the difficulties she encountered in carrying on with her profession. Allegations were also raised against the wife of the appellant, who is said to be a practicing advocate in Calcutta. It cannot but be mentioned that 2nd respondent did not touch upon the allegations raised against the appellant herein.

6. We have perused the records and the FIR as also the chargesheet. The allegation seems to be against the 3rd respondent, who is said to have not paid her fees. Repeatedly it has been mentioned in the First Information Statement that the 3rd respondent had failed to pay Rs.10,00,000/- as lawyer's fee due to her. The allegation against the appellant is that he called her over on telephone and threatened her, if

the demand for fees was not withdrawn. There is also an allegation raised that on 29.04.2023 at about 08:30 pm, the 3rd respondent along with an associate, ransacked her office, assaulted her and took away cash and mobiles belonging to her. Though, the heinous acts are said to have been committed on 29.04.2023, despite being a practicing lawyer, an FIR was filed only on 04.05.2023.

7. The chargesheet produced at Annexure P-7 is voluminous but does not level any specific allegation against the appellant herein. The investigation carried out was primarily against the 3rd respondent and eventually, while finding a number of offences having been established against the 3rd respondent, abruptly it is stated that *prima facie* charge under Sections 506 and 509 read with Section 34 IPC is well established against the other two accused persons i.e., the appellant herein and 4th respondent, father of the 3rd respondent, who is said to be an aged man.

8. Having gone through the FIR and the chargesheet, we are of the opinion that there is absolutely no reason to permit the continuance of the proceedings against the appellant herein.

9. We, hence, direct that the proceedings initiated pursuant to FIR No.78 of 2023 dated 04.05.2023 in the Howrah Police Station, leading to the Chargesheet No.191 of 2023 dated 31.10.2023, shall stand set aside. The FIR and the charge sheet shall stand quashed. There shall be no criminal proceeding continued in pursuance of the chargesheet, against the appellant herein.

10. The appeal is allowed.

11. Pending application(s), if any, shall stand disposed of.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
AUGUST 17, 2026.**