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**IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION**

B.R. GAVAI; CJI., K. VINOD CHANDRAN; J., ATUL S. CHANDURKAR; J.
SUO MOTO CONTEMPT PETITION (CIVIL) NO. 3 OF 2025; AUGUST 11, 2025
IN RE: N. PEDDI RAJU AND OTHERS

Contempt of Court - Lawyer's Duty - Transfer petition based on scurrilous allegations against a High Court Judge - A transfer petition was filed seeking transfer a criminal petition - Grounds for transfer petition included allegations that the High Court of Telangana's single Judge showed partiality and procedural discrimination by summarily curtailing the petitioner's argument to 5 minutes - Supreme Court issued a show-cause notice for contempt of court to the alleged contemnor no. 1, and the counsel who drafted the petition due to the "scandalous and scurrilous remarks" made against High Court – Held, a misconception exists among some lawyers who believe that their duty to the client supersedes their duty to the court - This misconception must be rooted out - Counsel who sign applications with 'matter scandalizing the court' without verifying the *prima facie* grounds are themselves guilty of contempt - A lawyer's duty is to advise their client against making such allegations - Supreme Court condemned the trend of lawyers criticizing judges without reason and practice of seeking transfers by alleging that a political figure's involvement will prevent a litigant from getting justice in a particular state - High Court judges are constitutional functionaries who are not inferior to Supreme Court judges and enjoy the same immunity - It is duty of Apex Court to protect them - Making scandalous allegations against them based on involvement of a political figure scandalizes the entire administration of justice - Alleged contemnors tendered an apology to the Supreme Court but court directed that it would have been more appropriate to apologize to that Judge. [Relied on *N. Eswaranathan v. State represented by the Deputy Superintendent of Police* 2025 INSC 509; *T.V. Choudhary, a member of Indian Administrative Service (under suspension)* 1987 3 SCC 258; *M.Y. Shareef & anr. V. Hon'ble Judges of the High Court of Nagpur & Ors.* 1954 2 SCC 444; Paras 7-17].

For alleged contemnors: Mr. Varun Thakur, Adv. Ms. Shraddha Saran, Adv. Mr. Ramkaran, Adv. For M/s Varun Thakur & Associate, AOR Mr. S. Nagamuthu, Sr. Adv. Mr. Ranbir Singh Yadav, AOR Mr. Prateek Yadav, Adv. Mr. Puran Mal Saini, Adv. Ms. Anzu K. Varkey, Adv. Mr. Yogesh Yadav, Adv. Mr. Mohammed Shahrukh, Adv. Mr. Sanjay R. Hegde, Sr. Adv. Mr. M. R. Shamshad, Sr. Adv. Mr. James P. Thomas, AOR Mr. Ankit Tiwari, Adv. Mr. Tanay Hegde, Adv. Signature Not Verified Mr. Rahul Singh, Adv. Mr. Vishal Jogdand, Adv. Mr. Pratik Bombarde, Adv. Mr. Rishi Raj Singh, Adv. Mr. Saurabh singh, Adv. 1 Suo Moto Contempt Pet. (Civil) No.. 3/2025. For SCAORA Mr. Vipin Nair, Adv. Mr. Amit Sharma, Adv. Mr. Nikhil Jain, Adv. Mr. Kaustabh Shukla, Adv.

J U D G M E N T

B.R. GAVAI, CJI

1. The present proceedings originate from the Transfer Petition (Criminal) No. 613 of 2025¹ which was filed seeking transfer of Criminal Petition No. 4162 of 2020 from the High Court of Telangana to the High Court of Judicature at Bombay, Nagpur Bench.
2. The grounds, *inter-alia*, on which the said Criminal Petition No. 4162 of 2020 was sought to be transferred was that the conduct of the learned Single Judge of the High

¹ Hereinafter referred to as, "Transfer Petition".

Court of Telangana², who was hearing the matter, gave rise to serious apprehension of partiality and procedural discrimination, inasmuch as the arguments of the counsel for the petitioner³ was summarily curtailed. The petitioner stated that he was given only five minutes to argue the matter.

3. Further averments were made in the transfer petition regarding the political status of Respondent No.1 therein and that the executive control was now led by him. Therefore, the alleged contemnor no.1 believed that there existed a likelihood of derailment of justice.

4. We had dismissed the transfer petition *vide* order dated 29th July 2025. However, while dismissing the petition, taking into account the scandalous and scurrilous remarks made against the learned Judge of the High Court, we had issued show cause notice not only to the alleged contemnor no.1, but also to Mr. Ritesh Patil⁴, learned Advocate-on-Record, who had filed the petition and Mr. Nitin Meshram⁵, learned counsel, who had drawn the petition as to why an action for committing contempt of the court should not be initiated against them.

5. In response to the notice issued, all the three alleged contemnors have filed their affidavits of apology.

6. We have heard Mr. Varun Thakur, learned counsel for alleged contemnor no.1, Mr. S. Nagamuthu, learned Senior Counsel for alleged contemnor no.2 and Mr. Sanjay R Hegde, learned Senior Counsel for alleged contemnor no.3.

7. At the outset, we may gainfully refer to the judgment of the Constitution Bench of this Court in the case of ***M.Y. Shareef and Another v. Hon'ble Judges of the High Court of Nagpur and Others***⁶, wherein it was observed thus:

“13. The fact however remains, as found by the High Court, that there was at the time these events happened considerable misconception amongst a section of the Nagpur Bar about advocates' responsibilities in matters of signing transfer applications containing allegations of this character. It cannot be denied that a section of the Bar is under an erroneous impression that when a counsel is acting in the interests of his client, or in accordance with his instructions he is discharging his legitimate duty to his client even when he signs an application or a pleading which contains matter scandalizing the Court. They think that when there is conflict between their obligations to the Court and their duty to the client, the latter prevails. This misconception has to be rooted out by a clear and emphatic pronouncement, and we think it should be widely made known that counsel who sign applications or pleadings containing matter scandalizing the Court without reasonably satisfying themselves about the *prima facie* existence of adequate grounds there for, with a view to prevent or delay the course of justice, are themselves guilty of contempt of Court, and that it is no duty of a counsel to his client to take any interest in such applications; on the other hand, his duty is to advise his client for refraining from making allegations of this nature in such applications. Once the fact is recognized as was done by the High Court here, that the members of the Bar have not fully realized the implications of their signing such applications and are firmly under the belief that their conduct in doing so is in accordance with professional ethics, it has to be held that the act of the two appellants in this case was done under a mistaken view of their rights and duties, and in such cases even a qualified apology may well be considered by a Court. In borderline cases where a question of principle about the rights of counsel and their duties has to be settled, an alternative plea of apology merits consideration; for it is possible for a judge who hears the case to hold that there is no contempt in which case a defence of

² Hereinafter referred to as, “High Court”.

³ Hereinafter referred to as, “Alleged Contemnor No.1”

⁴ Hereinafter referred to as, “Alleged Contemnor No.2”

⁵ Hereinafter referred to as, “Alleged Contemnor No.3”

⁶ (1954) 2 SCC 444.

unqualified apology is meaningless, because that would amount to the admission of the commission of an offence.”

8. It can be seen that this Court observed that a section of the Bar was under an erroneous impression that when a counsel is acting in the interests of his client, or in accordance with his instructions, he was discharging his legitimate duty to his client even when he signs an application or a pleading which contains matter scandalizing the Court. This Court observed that the lawyers feel that whenever there is a conflict between the lawyer's duty to the Court and the duty to the client, the duty to the client prevails over the duty of the Court. This Court found it necessary that such a misconception had to be rooted out by a clear and emphatic pronouncement. This Court, therefore, in unequivocal terms, held that the counsel who signs applications or pleadings containing matter scandalizing the Court without reasonably satisfying themselves about the *prima facie* existence of adequate grounds are themselves guilty of contempt of court. This Court observed that it is not the duty of the counsel towards his client to take any interest in such applications. On the contrary, it is his duty to advise his client to refrain from making allegations of such nature. However, the Court taking note of the fact that such conduct could have been done under a misconception, this Court accepted the apology of the lawyers therein.

9. It is equally apposite to refer to the following observations of this Court in the case of ***Civil Miscellaneous Petition No.25533 of 1986 titled In the matter of T.V. Choudhary, A Member of the Indian Administrative Service (Under Suspension) with SLP(C) No.14045 of 1985 [E.S. Reddi v. Chief Secretary, Government of A.P. and Another]***⁷:

“9. We wish we could have rested content with concluding the judgment with the operative portion of our conclusions on the merits of the case but we find with a sense of anguish and heaviness of heart that we have to express our disapproval of the manner in which the arguments were advanced before us on behalf of the applicant T.V. Choudhary. Not only were the arguments advanced with undue vehemence and unwarranted passion, reflecting identification of interests beyond established conventions but were of degrees not usual of enlightened senior counsel to adopt. The majesty of law and the dignity of courts cannot be maintained unless there is mutual respect between the Bench and the Bar and the counsel act in full realisation of their duty to the court alongside their duty to their clients and have the grace to reconcile themselves when their pleas and arguments do not find acceptance with the court. It is needless for us to say that neither rhetoric nor tempestuous arguments can constitute the sine qua non for persuasive arguments.

10. By virtue of the pre-eminence which senior counsel enjoy in the profession, they not only carry greater responsibilities but they also act as a model to the junior members of the profession. A senior counsel more or less occupies a position akin to a Queen's counsel in England next after the Attorney General and the Solicitor General. It is an honour and privilege conferred on advocates of standing and experience by the Chief Justice and the Judges of this Court. They thus become leading counsel and take precedence on all counsel not having that rank. A senior counsel though he cannot draw up pleadings of the party, can nevertheless be engaged “to settle” i.e. to put the pleadings into “proper and satisfactory form” and hence a senior counsel settling pleadings has a more onerous responsibility as otherwise the blame for improper pleadings will be laid at his doors.

11. Lord Reid in *Rondel v. Worsley* [(1967) 3 All ER 993, 998] has succinctly set out the conflicting nature of the duties a counsel has to perform in his own inimitable manner as follows:

“Every counsel has a duty to his client fearlessly to raise every issue, advance every argument, and ask every question, however distasteful, which he thinks will help his client's case. As an

⁷ (1987) 3 SCC 258.

officer of the court concerned in the administration of justice, he has an overriding duty to the court, to the standards of his profession, and to the public, which may and often does lead to a conflict with his client's wishes or with what the client thinks are his personal interests. Counsel must not mislead the court, he must not lend himself to casting aspersions on the other party or witnesses for which there is no sufficient basis in the information in his possession, he must not withhold authorities or documents which may tell against his clients but which the law or the standards of his profession require him to produce. By so acting he may well incur the displeasure or worse of his client so that if the case is lost, his client would or might seek legal redress if that were open to him."

12. Again as Lord Denning, M.R. in *Rondel v. W* [(1966) 3 All ER 657, 665] would say:

"He (the counsel) has time and again to choose between his duty to his client and his duty to the court. This is a conflict often difficult to resolve; and he should not be under pressure to decide it wrongly.... [W]hen a barrister (or an advocate) puts his first duty to the court, he has nothing to fear. (words in brackets added)."

In the words of Lord Denning:

"It is a mistake to suppose that he is the mouthpiece of his client to say what he wants: . . . He must disregard the most specific instructions of his client, if they conflict with his duty to the court. The code which requires a barrister to do all this is not a code of law. It is a code of honour. If he breaks it, he is offending against the rules of the profession and is subject to its discipline...."

13. We are constrained to give expression to our views with a feeling of remorse to remind the counsel of that sense of detachment and non-identification they are expected to maintain with the causes espoused by them and not with a view to belittle the profession or cast aspersions on counsel."

10. It can thus be clearly seen that this Court, in unequivocal terms, has held that when a lawyer is faced with a conflict between his duty towards the Court and duty towards the client, he has to give preference to duty to the Court rather than duty to the client.

11. We have noticed that nowadays it has become a trend amongst lawyers to criticize the Judges of the High Court or the Trial Court for no reason. It has also become a recurring trend that whenever the matter involves a political figure in a particular State, to allege that in that State a litigant may not get justice and therefore, transfer of the proceedings from that State to any other State is sought. Such practices cannot be countenanced.

12. We are constrained to observe that within the constitutional edifice, the Judges of the High Court are in no way inferior to the Judges of the Supreme Court. Though, as an appellate Court to the High Court, this Court can affirm, reverse, modify or set aside the judgment of the High Court, it has no administrative control, either over the administration of the High Court or the Judges of the High Court. The Judges of the High Court are also Constitutional functionaries, and they enjoy the same immunity as is enjoyed by a Judge of the Supreme Court. In our view, when scandalous allegations are made against the Judges of the High Court, it becomes the duty of this Court to protect the Judges of the High Court.

13. As already discussed hereinabove, the Judges of the High Court are appointed under the Constitution of India and upon assuming the office, they take an oath to act without any fear or favour, affection or ill-will and to uphold the Constitution and the laws. To imply that because a political figure is involved in a case, and therefore, a holder of such a high constitutional office would not act independently, in our view, scandalizes the very institution of administration of justice.

14. We find that merely on the basis that a petition involves a political figure in a State cannot constitute a ground to transfer the proceedings from the High Court of that State to the High Court of another State.
15. A perusal of the affidavit of apology would reveal that the apology is tendered only to this Court. In our view, the scandalous allegations are made against the learned Judge of the High Court. Therefore, it would have been more appropriate for the alleged contemnors to tender an apology to the learned Judge of the High Court.
16. At this stage, learned Senior Counsel/counsel appearing for the alleged contemnors seek liberty from this Court to approach the High Court to tender their unconditional apology.
17. We, therefore, permit the alleged contemnors to tender unconditional apology before the learned Judge of the High Court.
18. Since the Criminal Petition No. 4162 of 2020 has already been disposed of, we direct the Registrar General of the High Court to reopen the matter. However, we clarify that the matter will be reopened only for the limited purpose of tendering an unconditional apology by the alleged contemnors before the learned Judge of the High Court, who had passed the final order in the said criminal petition.
19. The same shall be done within a period of one week from today. On reopening of the said proceedings, the respondents shall tender their unconditional apology before the learned Judge of the High Court, within a period of one week of reopening of the matter. The learned Judge would decide the question of acceptance of the apology within a period of one week thereafter. We will consider the issue with regard to acceptance of apology tendered to this Court by the alleged contemnors, after the matter is disposed of by the learned Single Judge of the High Court.
20. We hasten to add that the Courts gain no pleasure in penalizing or sentencing the lawyers for acting in a manner which would amount to Contempt of this Court. Recently, in the case of ***N. Eswaranathan v. State represented by the Deputy Superintendent of Police***⁸, a three Judge Bench of this Court, to which two of us (The Chief Justice of India and Mr. Justice K.V. Chandran) were a party, decided a reference with regard to the difference of opinion between two learned Judges of this Court over the issue of the sentence imposed on two lawyers of this Court. This Court observed that the majesty of law lies in not punishing someone, but in forgiving someone who acknowledges their mistake. We had, therefore, agreed with the view taken by the learned Judge, who had accepted the apology tendered by the lawyers.
21. When we decide the matter on the next date, we would be guided by the aforesaid observations made by this Court.
22. Needless to state that the parties will be at liberty to file an affidavit of apology through email or any other permissible mode before the High Court. If necessary, the learned Single Judge may consider permitting the parties to appear through video conference.
23. List after four weeks.