2026 INSC 94

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 77 OF 2026

MONTY GOYAL ....APPELLANT(S)

VERSUS

NAVRANG SINGH ....RESPONDENT(S)

J U D G M E N T

Mehta, J.

1. Heard.

2. The appellant[1] herein has approached this Court by way of a statutory appeal under Section 38 of the Advocates Act, 1961 for assailing the final judgment dated 4th April, 2025 passed by the Disciplinary Committee of the Bar Council of India[2]

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Reason:

[1] Hereinafter, being referred to as "appellant-advocate".
[2] Hereinafter, being referred to as "BCI".

in BCI Transferred Case No. 455 of 2023 whereby, the appellant-advocate was held guilty of professional misconduct for alleged failure to act with reasonable diligence and absence from Court hearing which led to dismissal of the respondent's quashing petition.

Brief Facts: -

3. Succinctly stated, the facts leading to the present appeal are as follows:-

3.1 The respondent[3] came to be arraigned as an accused in FIR No. 150/2018 registered at police station Samrala, Ludhiana, for offences under section 451, 323, 506, 427, 148 and 149 of the Indian Penal Code. Upon a compromise being arrived at between the accused and the complainant in the aforesaid FIR on 28th July, 2018, the appellant-advocate was engaged by the respondent-

[3] Hereinafter, being referred to as "respondent-complainant/respondent-Navrang Singh".

complainant to move a petition before the Punjab and Haryana High Court[4] for quashing the FIR based on the compromise. The High Court *vide* order dated 28th September, 2018 allowed the quashing petition and quashed the FIR subject to the respondent-Navrang Singh depositing a cost of Rs.10,000/- within two weeks. However, it transpires that the said costs were not deposited within the stipulated time. Consequently, due to the non-production of receipts evidencing compliance, the High Court *vide* order dated 16th November, 2018 recalled its earlier order and dismissed the quashing petition for want of prosecution, thereby reviving the criminal proceedings against the respondent-Navrang Singh.

3.2 Subsequently, an application for recalling the order dated 16th November, 2018 was filed by the appellant-advocate. The High Court *vide* order dated

[4] Hereinafer, being referred to as "High Court".

14th January, 2020 recalled the dismissal order, thereby restoring the quashing petition and revived the order quashing FIR, subject to payment of costs enhanced to Rs. 50,000/-.

3.3 It was, at this stage, that the respondent-Navrang Singh, being aggrieved by the alleged negligence and failure of the appellant-advocate to deposit the initial costs, instituted a complaint under Section 35 of the Advocates Act before the State Bar Council of Punjab and Haryana[5].

3.4 During the pendency of the disciplinary proceedings, the appellant-advocate and respondent-complainant arrived at an amicable settlement, wherein the misunderstanding regarding the deposit of costs was resolved. Taking note of this development, the High Court, *vide* order dated 2nd March, 2021 modified its earlier order by waiving the

[5] Hereinafter, being referred to as "State Bar Council".

enhanced costs of Rs.50,000/-. Subsequently, upon compliance with the original direction to deposit cost, the High Court *vide* final order dated 12th December, 2022 quashed the FIR and all consequential proceedings against respondent-Navrang Singh.

3.5 Pursuant to the order dated 12th December, 2022 passed by the High Court quashing the FIR, the respondent-complainant submitted a sworn affidavit dated 15th December, 2022 to the State Bar Council, stating that the complaint was filed due to a misunderstanding regarding costs; that he was satisfied with the appellant's services, and desired to withdraw the complaint.

3.6 Since the proceedings before the State Bar Council could not be concluded within the statutory period of one year, the matter stood transferred to the Disciplinary Committee of the BCI. Despite the affidavit praying for withdrawal of the complaint filed

by the respondent-complainant before the State Bar Council, the Disciplinary Committee proceeded to adjudicate the matter and *vide* judgment dated 4th April, 2025, held the appellant-advocate guilty of professional misconduct for failing to ensure the timely deposit of costs and dereliction of his professional duties. Accordingly, the Disciplinary Committee imposed a penalty of Rs.1 Lakh, with a further direction that failure to comply would entail suspension of the appellant's license to practice for a period of one year. The said order of the BCI is subject matter of challenge in the present appeal.

Findings

4. We have heard the arguments advanced by learned counsel for the appellant-advocate as well as learned counsel for the respondent-complainant and have perused the material available on record.

5. At the outset, it is pertinent to note that, while the disciplinary proceedings were still pending before the State Bar Council, the respondent-complainant presented a duly sworn affidavit dated 15th December, 2022 before the State Bar Council, wherein he categorically stated that he had approached the State Bar Council out of frustration on account of the imposition of costs of Rs.50,000/- by the High Court. He clarified that the grievance was not attributable to any professional lapse on the part of the appellant–advocate.

6. The respondent-complainant further stated that the appellant-advocate had thereafter resolved the issue, pursuant to which the cost amount was reduced to Rs.5,000/-, which stood duly deposited. He also stated that the criminal proceedings, for the quashing whereof the appellant–advocate had been engaged, were ultimately quashed by the High Court.

In view of the said development, the respondent–complainant unequivocally desired that he did not wish to pursue the disciplinary complaint against the appellant-advocate any further.

7. A perusal of the impugned judgment reveals that the Disciplinary Committee of the BCI completely glossed over the aforesaid material and vital aspect while holding the appellant-advocate guilty of professional misconduct. The Committee failed to appreciate that the substratum of the complaint had ceased to exist once the dispute was amicably resolved and the complaint was sought to be withdrawn by the respondent-complainant himself by way of a duly sworn affidavit. The impugned judgment neither adverts to the affidavit filed by the respondent-complainant nor deals with the categorical withdrawal of allegations and the

expression of satisfaction with the professional conduct of the appellant-advocate.

8. Mr. J.S. Thakur, learned counsel appearing for the respondent-complainant, has fairly submitted that the respondent-complainant had indeed sworn the aforesaid affidavit affirming that the dispute stood resolved and that he did not desire any action against the appellant-advocate in the disciplinary proceedings initiated before the State Bar Council.

9. Furthermore, on-going through the impugned judgment, we find that the same does not reflect that any evidence was led by the respondent-complainant to substantiate the allegations set out in the complaint. It appears that the appellant-advocate has been held guilty of professional misconduct merely on the basis of bald allegations contained in the complaint, without the complainant being examined on oath and without affording the appellant-advocate

the indefeasible right of cross-examination, thereby rendering the finding of professional misconduct legally unsustainable.

10. Thus, considering the totality of the facts and circumstances, particularly that the genesis of the dispute was a mere misunderstanding regarding the deposit of costs which stood resolved during the pendency of the proceedings, the impugned judgment cannot be sustained. Once the respondent-complainant himself expressed complete satisfaction with the professional services rendered by the appellant-advocate and categorically sought to withdraw the complaint, the very substratum of the disciplinary proceedings ceased to exist. In these circumstances, the order holding appellant-advocate guilty of professional misconduct is considered wholly unsustainable in facts as well as in law.

11. As a consequence of the above discussion, the impugned judgment dated 4th April, 2025 is hereby set aside.

12. The appeal is allowed accordingly. No order as to costs.

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

.....J.
(VIKRAM NATH)

.....J.
(SANDEEP MEHTA)

NEW DELHI;
JANUARY 29, 2026.