

IN THE HIGH COURT FOR THE STATE OF TELANGANA

C.C.No.2297 of 2025

(CNR.No.HBHC010352752025)

Between:

Vijay Gopal

... Petitioner

And

N.V. Ramana Goud and Others

...Respondents

JUDGMENT PRONOUNCED ON 21.09.2026

HON'BLE JUSTICE LAXMI NARAYANA ALISHETTY

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgment?

2. Whether the copies of judgment may be
marked to Law Reporters/Journals? : Yes

3. Whether her Lordship wishes to
see the fair copy of the Judgment? : Yes

JUSTICE LAXMI NARAYANA ALISHETTY

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> Head Note:

! Counsel for the petitioner: Party-in-person

^ Counsel for Respondent Nos.3, 5 & 7: Sri G.Ashok Reddy

^ Counsel for Respondent Nos.6, 8 & 9: Sri M.P.K.Aditya

^ Counsel for Respondent Nos.13: Sri Ponnamm Ashok Goud

^ Counsel for Respondent Nos.14, 15 & 18: Sri Mohd. Muzaffer Ullah
Khan

? Cases Referred:

1. 2003 (2) SCC 45
2. (2006)9 SCC 304
3. ¹ 2023 Live Law (SC) 331
4. 2018 SCC Online SC 304
5. 2026 SCC OnLine Del 243
6. 1998 4 SCC 409
7. 2006 9 SCC 295
8. (1914) ILR 41 Cal 173
9. 1966CRILJ632
10. 2021 6 SCC 258
11. 19811 SCC 436
12. 2001 6 SCC 735
13. 2003 (2) SCC 45
14. 2018 SCC Online SC 304
15. 1988 3 SCC 167
16. 1996 (74) FLR 2052
17. 2003 11 SCC 1
18. 2021 SCC 593

**HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD**

HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

C.C.No.2297 of 2025

(CNR.No.HBHC010352752025)

Reserved on 17.07.2026

Pronounced on 21.09.2026

Uploaded on 21.09.2026

Between

Vijay Gopal

....Petitioner

And

N.V. Ramana Goud and Others

....Respondents

ORDER:

This Contempt Case is filed to punish the respondents {all Office-bearers of Metropolitan Criminal Court Bar Association, Nampally, Hyderabad (for brevity, hereinafter referred to as 'MCCBA, Nampally')} under Sections 10 to 12 of Contempt of Courts Act, 1971 (for stopping the petitioner-advocate from entering the Court citing boycott call and physically assaulting the Advocate petitioner with blunt force causing injury and wrongful restraint and for passing resolution dated 16.06.2025 to boycott/abstain from work) for willful violation of the orders of the Hon'ble Supreme Court of India in *Ex-*

Capt. Harish v. Union of India and Another {2003 (2) SCC 45} and Rule-17 of the Telangana High Court Rules of Practice and consequently, to debar all the office bearers of MCCBA, Nampally for maximum term under the law and for consequential reliefs.

2. Heard Sri Vijay Gopal, party in person, Sri G. Ashok Reddy, learned Counsel for respondent Nos.3, 5 and 7, Sri M.P.K.Aditya, learned Counsel for respondent Nos.6, 8 and 9, Sri Poonam Ashok Goud, learned Counsel for respondent No.13 and Sri Mohd Muzaffer Ullah Khan, learned Counsel for respondent Nos.14, 15 and 18.

3. The brief facts as averred in the affidavit filed in support of the Contempt Case are that the contemnors, being the office-bearers of the MCCBA, Nampally, passed a resolution *vide* Ref. No.13505/MCCA/Hyd/2025, dated 16.06.2025, calling for boycott of the Courts on 16.06.2025; that on the same day, the petitioner was required to appear before the XVII Additional Chief Judicial Magistrate Court, Nampally, in connection with FIR No.274 of 2023 on the file of Film Nagar Police Station, wherein he had filed two criminal miscellaneous petitions and the matter was posted on the said date; and that, when the petitioner attempted to enter the Court premises to attend his matter, he was allegedly confronted and obstructed/prevented by certain advocates participating in the boycott from proceeding further; that the General

Secretary of the Bar Association thereafter threatened the petitioner and directed him to remove his advocate's band and leave the Court premises, failing which he would face consequences; that the petitioner objected to such conduct, whereupon the General Secretary slapped the petitioner, following which the members of the Bar present at the place assaulted the petitioner; that in the course of the said incident, the petitioner fell down the stairs and sustained injuries to the left side of his head and forehead after hitting the ground and the banister.

3.1. It is further averred that the police personnel present at the Court premises intervened and that the Inspector of Police, Nampally Police Station, instead of permitting the petitioner to proceed to the Court, accused him of creating a nuisance and took him into custody in a police patrolling vehicle; that the petitioner lodged a complaint against the General Secretary and the office-bearers of the MCCBA, Nampally, pursuant to which FIR No.159 of 2025 was registered for the offences punishable under Sections-115, 126, 351, 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023; that the General Secretary subsequently lodged a counter-complaint against the petitioner, pursuant to which FIR No.160 of 2025 was registered; that, after the petitioner brought the matter to the notice of the superior police officers, he was permitted to return to the Court premises and attend the matter pending before the XVII

Additional Chief Metropolitan Magistrate Court. Aggrieved by the aforesaid acts of the respondents, the petitioner filed the present Contempt Case.

3.2. The petitioner, who appeared as party-in-person, submitted that the Hon'ble Supreme Court has consistently held that advocates have no right to resort to strikes or boycotts or protests and that the functioning of Courts cannot be obstructed on account of such calls; that every individual advocate is entitled to appear before the Court and discharge his professional duties notwithstanding a call for strike or boycott by a Bar Association; that no advocate can be compelled to participate in a boycott, nor can any advocate who chooses to attend the Court be subjected to threats, coercion, restraint or any other adverse consequences; that the office-bearers of a Bar Association are under an obligation to ensure that no member is prevented, intimidated or coerced from appearing before the Courts.

3.3. He further submitted that the alleged acts of the respondents obstructing/preventing the petitioner from entering into the Court premises and subjecting him to threat and physical assault for refusing to participate in the boycott, constitute interference with the administration of justice and amount to a deliberate violation of the

binding directions issued by the Hon'ble Supreme Court in *Ex. Capt. Harish Uppal's* case (cited supra).

3.4. He further submitted that the resolution issued by respondents calling upon advocates to abstain from Court work, is a violation of Rule 17 of the Telangana High Court Rules of Practice, 1980 (for short "Rules of Practice"); that the respondents, in their counter-affidavit, have not offered any satisfactory explanation with regard to the violation of Rule 17 of the Rules of Practice to show that the boycott dated 16.06.2025 falls under exceptional cases as enumerated by the Hon'ble Apex Court.

3.5. He further submitted that the resolution was not merely a symbolic expression of protest; but, expressly called for abstention from Court work and, therefore, cannot be characterised as a mere symbolic protest; that the video graphic evidence secured during the course of investigation, clearly shows that petitioner was prevented from entering the Court premises and was subjected to physical assault when he tried to attend Court despite the boycott call; and that the respondents cannot avoid responsibility by merely asserting that there was no coercive boycott or obstruction to the administration of justice.

3.6. He further submitted that the respondents have also failed to place any material to demonstrate that the office-bearers had obtained

the requisite approval or permission from the Sessions Judge concerned before passing the resolution or proceeding with the proposed boycott.

3.7. He further submitted that the pendency of criminal proceedings, i.e., FIR Nos.159 and 160 of 2025 of Nampally Police Station, Hyderabad, do not constitute a bar to the present contempt proceedings; that, the criminal proceedings relates to the physical acts and offences arising out of the incident, whereas the present contempt proceedings relate to the alleged disobedience and violation of the binding law and directions issued by the Hon'ble Supreme Court and the applicable Rules of Practice; that the two proceedings operate in distinct fields and cannot be treated as parallel proceedings in respect of the same cause of action.

4. He finally submitted that the complaint lodged by the petitioner before the Telangana Bar Council against the respondents and the present contempt proceedings operate in separate spheres; that the disciplinary proceedings, if any, before the Bar Council relates to the professional conduct of the advocates, whereas the present proceedings relates interference with the administration of justice and violation of binding judicial directions. Therefore, the complaint before the Bar Council does not amount to parallel proceedings or attract the principle of double jeopardy.

5. In support of his contentions, the petitioner relied upon the following judgments.

(1)*Ex. Capt. Harish Uppal v. Union of India and another*¹,

wherein the Hon'ble Apex Court has held as under:

“It is also settled law that if a resolution is passed by Bar Associations expressing want of confidence in judicial officers it would amount to scandalising the Courts to undermine its authority and thereby the Advocates will have committed contempt of Court. Lawyers have known, at least since Mahabir Singh's case (supra), that if they participate in a boycott or a strike, their action is ex-facie bad in view of the declaration of law by this Court. A lawyer's duty is to boldly ignore a call for strike or boycott of Court/s.

In conclusion, it is held that lawyers have no right to go on strike or give a call for boycott, not even on a token strike. The protest, if any is required, can only be by giving press statements, TV interviews, carrying out of Court premises banners and/or placards, wearing black or white or any colour arm bands, peaceful protest marches outside and away from Court premises, going on dharnas or relay fasts etc. It is held that lawyers holding Vakalats on behalf of their clients cannot attend Courts in pursuance to a call for strike or boycott. All lawyers must boldly refuse to abide by any call for strike or boycott. No lawyer can be visited with any adverse consequences by the Association or the

¹ 2003 (2) SCC 45

Council and no threat or coercion of any nature including that of expulsion can be held out. It is held that only in the rarest of rare cases where the dignity, integrity and independence of the Bar and/or the Bench are at stake, Courts may ignore (turn a blind eye) to a protest abstention from work for not more than one day. It is being clarified that it will be for the Court to decide whether or not the issue involves dignity or integrity or independence of the Bar and/or the Bench. Therefore, in such cases the President of the Bar must first consult the Chief Justice or the District Judge before Advocates decide to absent themselves from Court. The decision of the Chief Justice or the District Judge would be final and have to be abided by the Bar.

Further appropriate rules are required to be framed by the High Courts under Section 34 of the Advocates Act by making it clear that strike by advocate/advocates would be considered interference with administration of justice and concerned advocate/advocates may be barred from practising before Courts in a district or in the High Court.”

...emphasis supplied

(2) Common Cause, A registered Society v. Union of India²,

wherein the Hon’ble Supreme Court has held as under:

“No such member who appears in court or otherwise practices his legal profession, shall be visited with any adverse or penal consequences whatever, by any association of lawyers, and shall not suffer any expulsion or threat of expulsion therefrom.

²(2006)9 SCC 304

Office-bearers of a Bar Association (including Bar Council) responsible for taking decisions mentioned in clause (1) above shall ensure that such decisions are implemented in the spirit of what is stated in clauses (1), (2) and (3) above.”

(3) District Bar Association Dehradun vs. Ishwar Shandilya and Others³, wherein, the Hon’ble Apex Court has held as under:

“We once again reiterate that no member of the Bar can go on strike and/or abstain himself from court working. Time and again, this Court has emphasised and criticized the advocates going on strike and abstaining them from work. If the member of the Bar has any genuine grievance or the difficulty being faced because of the procedural changes in filing/listing of the matters and/or any genuine grievance pertaining to misbehave of any member of the lower judiciary they can very well make a representation and it is appropriate that their genuine grievances are considered by some forum so that such strikes can be avoided and members of the Bar who might have genuine grievances like above may ventilate their grievances.”

(4) Krishnakant Tamrakar vs. State of Madhya Pradesh⁴,

wherein, the Hon’ble Apex Court has held as under:

“Since the strikes are in violation of law laid down by this Court, the same amount to contempt and at least the

³ 2023 Live Law (SC) 331

⁴ 2018 SCC Online SC 304

office bearers of the associations who give call for the strikes cannot disown their liability for contempt. Every resolution to go on strike and abstain from work is per se contempt.

The Court may, having regard to the fact situation, hold that the office bearers of the Bar Association/Bar Council who passed the resolution for strike or abstaining from work, are liable to be restrained from appearing before any court for a specified period or until such time as they purge themselves of contempt to the satisfaction of the Chief Justice of the concerned High Court based on an appropriate undertaking/conditions. They may also be liable to be removed from the position of office bearers of the Bar Association”.

(5) *Sangita Rai vs. New Delhi Bar Association and Others*⁵,

wherein the Delhi High Court has held as under:

“ Bar Association is a body of private individual lawyers and in normal discharge of its functions, it does not perform any function which can be said to be a public function. It is a body registered under the Act, 1860; however, its affairs are governed by its Memorandum of Association, Constitution and Rules. The functions being generally discharged by Bar Associations, as observed above, are to protect the interest of the individual lawyers. It is in fact, a purely private entity and cannot in any manner or for

⁵2026 SCC OnLine Del 243

any reason, whatsoever, be termed to be 'State' or its instrumentality or agency or authority."

6. *Per contra*, Sri G.Ashok Reddy, learned Counsel for respondent Nos.3, 5 and 7, submitted that the present Contempt Case is not maintainable either on facts or in law and is liable to be dismissed in limine; that the Contempt Case suffers from serious procedural and substantive infirmities and does not satisfy the requirements prescribed under the Rules of Practice, 1980.

6.1. He further submitted that the respondents were not properly described but only by their office positions in MCCBA, Nampally, without any particulars identifying them as individuals; that respondents have not been properly arrayed in the present proceedings as required under Rule 7(1(a)) of Rules of Practice, 1980; that the petitioner has arrayed the office-bearers of the MCCBA, Nampally, as respondents, without specifically attributing any individual act or conduct constituting contempt to each of them; that contempt proceedings, being quasi-criminal in nature, cannot be maintained on the basis of presumptive or vicarious liability and require specific allegations and material establishing the alleged role of each respondent.

6.2. He further submitted that the petitioner has failed to clearly specify whether the alleged acts of respondents constitute civil contempt or criminal contempt within the meaning of the Sections 2(b) or 2(c) Contempt of Courts Act, 1971; that there is no allegation of wilful disobedience of any specific judgment, decree, direction or order so as to constitute civil contempt; that the ingredients necessary to establish criminal contempt, namely, a direct and substantial interference with the due course of judicial proceedings or the administration of justice, are also not made out; that the present petition, insofar as it seeks to initiate proceedings for criminal contempt at the instance of a private individual, is also procedurally defective in the absence of compliance with the statutory safeguards governing such proceedings, including the requirement relating to the consent of the Advocate General as mandated under Section 15 of Contempt of Courts Act, 1971, read with Rule 5 of Rules, 1980; that the petitioner failed to plead the essential ingredients of either form of contempt and in the absence of such foundational pleadings, the allegations are vague and incapable of being examined within the scope of contempt jurisdiction.

6.3. He further submitted that the prayer seeking to debar the office-bearers of the Bar Association from practising as advocates is not maintainable in the present contempt proceedings; that the jurisdiction

to punish for contempt and the jurisdiction relating to professional misconduct are distinct and operate in separate fields; and that disciplinary action against an advocate is governed by the provisions of the Advocates Act, 1961 and the procedure prescribed thereunder.

6.4. He further submitted that the incident dated 16.06.2025 is already the subject matter of criminal proceedings, with FIR No.159 of 2025 registered at the instance of the petitioner, and FIR No.160 of 2025 registered at the instance of Respondent No.1; that the existence of counter-case demonstrates that the allegations relating to the incident involves serious disputed questions of fact; and that such disputed questions are not amenable to adjudication in summary contempt proceedings.

6.5. He further submitted that this Court, while disposing of W.P.No.24351 of 2025, had taken note of the fact that criminal proceedings arising out of the alleged incident were pending and observed that adjudication of the relief sought therein could have an adverse bearing upon the criminal proceedings; and that the same principle of judicial restraint ought to be applied in the present proceedings as well; that the allegations relating to the alleged assault, wrongful restraint and other criminal acts are matters which are already subject to investigation and adjudication under the criminal law; and

that contempt proceedings cannot be converted into a proceeding for determining criminal culpability or conducting a parallel inquiry into disputed questions of fact.

6.6. He further submitted that the petitioner has already approached the Bar Council of Telangana by filing a complaint against the respondents on the basis of substantially the same allegations as that in the present Contempt; that the petitioner has also initiated criminal proceedings with regard to the alleged incident and had approached this Court by way of filing W.P.No.24351 of 2025 seeking substantially similar reliefs; and that the invocation of multiple jurisdictions on the same factual foundation amounts to multiplicity of proceedings and demonstrates an attempt to secure overlapping remedies and **forum shopping**.

7. Learned counsel for respondents while relying upon the principle underlying the proviso to Section 10 of the Contempt of Courts Act, 1971, fairly submitted that the said proviso may not apply in its strict textual sense to the facts of the present case; that the underlying principle is nevertheless relevant while considering whether contempt jurisdiction ought to be exercised where the alleged acts substantially constitute criminal offences and the criminal law has already been set in motion; and that, in the present case, the allegations relating to assault,

wrongful restraint and other acts arising out of the incident are already the subject matter of criminal proceedings.

7.1. He further submitted that the petitioner has not approached this Court merely as an informant bringing an alleged act of contempt to the notice of the Court, but has sought to pursue personal grievances and punitive action against the respondents; that contempt jurisdiction cannot be invoked for redressal of individual grievances or as a substitute for criminal or disciplinary proceedings.

7.2. He further submitted that insofar as respondent No.13 is concerned, he had no role whatsoever in the alleged incident; that he was neither present at the place of occurrence nor involved in any interaction with the petitioner; that he was not a signatory to the impugned resolution and did not participate in any of the acts alleged by the petitioner; and that he neither obstructed nor interfered with the petitioner in any manner.

7.3. He further submitted that respondent No.13 has been impleaded solely on the ground that he is an Executive Committee Member of the MCCBA, Nampally; that in the absence of any specific allegation or overt act attributable to him, such impleadment is legally unsustainable.

7.4. He further submitted that the impugned resolution dated 16.06.2025 was not intended to be a call for a coercive strike or boycott, but was a symbolic and one-day expression of solidarity with members of the legal fraternity in the backdrop of the attacks on advocates; that the resolution was passed in response to concerns regarding the safety and dignity of advocates and was not intended to interfere with the administration of justice or obstruct the functioning of the Courts; that the respondents did not intend to prevent any advocate or litigant from accessing the Court premises or participating in judicial proceedings; that the petitioner himself stated that he was ultimately permitted to enter the Court and attend to his matter; and that there was no cessation of Court work or disruption of judicial proceedings on account of the resolution.

8. He finally submitted that though the Hon'ble Supreme Court in *Ex-Capt. Harish Uppal* 's case (cited supra) has held that advocates have no right to resort to strikes or call for a boycott of Court work, the Hon'ble Supreme Court has also recognised limited exception to cases where the dignity, integrity and independence of the Bar is involved; that, in such exceptional circumstances, a peaceful protest or abstention from work for a period not exceeding one day may be overlooked by the Courts; that, the resolution dated 16.06.2025 was issued in the said

context as a one-day symbolic expression of solidarity concerning the safety and dignity of advocates and was neither intended to obstruct the functioning of the Courts nor to interfere with the administration of justice.

9. In support of his contentions, learned counsel for respondents relied upon the following judgments.

i. ***Supreme Court Bar Association vs. Union of India***⁶,

wherein, the Hon'ble Apex Court has held as under:

“ The power of the Supreme Court to punish for contempt of court, be though quite wide, is yet limited and cannot be expanded to include the power to determine whether an advocate is also guilty of “professional misconduct” in a summary manner, giving a go-by to the procedure prescribed under the Advocates Act. The power to do complete justice under Article 142 is in a way, corrective power, which gives preference to equity over law but it cannot be used to deprive a professional lawyer of the due process contained in the Advocates Act, 1961 by suspending his licence to practice in a summary manner while dealing with a case of contempt of court. ”

ii. ***Common Cause v. Union of India***⁷, wherein, the Hon'ble Apex Court has held as under:

⁶ 1998 4 SCC 409

⁷ 2006 9 SCC 295

“Pursuant to the discussion that took place at the last hearing on 30-11-1994, the following suggestions have emerged as an interim measure consistent with the Bar Council of India’s thinking that except in the rarest of rare cases strike should not be resorted to and instead peaceful demonstration may be resorted to, to avoid causing hardship to the litigant public.

The above will not preclude other forms of protest by practising lawyers in courts such as, for instance, wearing of armbands and other forms of protest which in no way interrupt or disrupt the court proceedings or adversely affect the interest of the litigant. Any such form of protest shall not however be derogatory to the court or to the profession.”

iii. ***Legal Remembrancer vs. Matilal Ghose and others***⁸,

wherein, the Calcutta High Court has held as under:

“The distinction between criminal and civil contempt is of a fundamental character, though it has been sometimes overlooked. A criminal contempt is conduct that is directed against the dignity and authority of the Court. A civil contempt is failure to do something ordered to be done by a court in a civil action for the benefit of the opposing party therein.”

iv. ***Vijai Pratap Singh vs. Ajit Prasad and Others***⁹, the

Hon’ble Apex Court held as follows:-

“Mere disobedience of an order passed in a civil proceeding, where the object of the contempt

⁸ 1914) ILR 41 Cal 173

⁹ 1966CRILJ632

proceedings is to secure compliance with the order and protect the rights of the aggrieved party, is essentially civil contempt. In such cases, the contempt constitutes an injury to private party whose rights under the order have been affected. On the other hand, where the act complained of interferes with or obstructs the due course of justice, particularly when such interference constitutes an injury to the public or affects the administration of justice, the contempt assumes the character of criminal contempt.

- v. ***P. Mohanraj v. Shah Bros. ISPAT (P) LTD.***¹⁰,^w herein in the Hon'ble Apex Court has held as under:-

“The distinction between civil and criminal contempt may, in certain cases, be broad as well as thin. Mere disobedience of a court order made for the benefit of a private party ordinarily constitutes civil contempt; however, where such disobedience is accompanied by defiance of the authority of the Court or conduct obstructing or interfering with the administration of justice, the contempt may assume a mixed character, partaking of both civil and criminal contempt.

- vi. ***S.K. Sarkar v. Vinay Chandra Misra***¹¹, the Hon'ble Apex Court held as under:-

“Where a private person directly approaches the High Court alleging the commission of contempt, without obtaining the written consent of the Advocate General, the High Court has the discretion either to refuse to

¹⁰2021 6 SCC 258

¹¹19811 SCC 436

entertain such petition or to treat the information contained therein as the basis for taking suo motu cognizance. However, before exercising such suo motu jurisdiction, the High Court must be prima facie satisfied that the information furnished is not frivolous and that the alleged act of contempt is neither merely technical nor trivial. It was further held that the power to take suo motu cognizance, particularly in respect of contempt of a subordinate court, must be exercised sparingly and ordinarily in cases involving grave and serious contempt, so as to ensure that the procedural safeguards contemplated under Section 15 are not rendered otiose.

- vii. ***J.R. Parashar and Others v. Prasant Bhushan and Others¹²***, wherein the Hon'ble Apex Court held as under:-

“That the power of the Court to take suo motu cognizance of criminal contempt should be exercised rarely and with caution, particularly where the statutory procedure requiring the consent of the Attorney-General or Advocate-General is otherwise applicable.

- viii. ***Ex. Capt. Harish Uppal v. Union of India and another¹³***,

wherein the Hon'ble Apex Court has held as under:

“It is held that only in the rarest of rare cases where the dignity, integrity and independence of the Bar and/or the Bench are at stake, Courts may ignore (turn a blind eye) to a protest abstention from work for not more than one day. It is being clarified that it will be for the Court to

¹²2001 6 SCC 735

¹³ 2003 (2) SCC 45

decide whether or not the issue involves dignity or integrity or independence of the Bar and/or the Bench. Therefore, in such cases the President of the Bar must first consult the Chief Justice or the District Judge before Advocate decide to absent themselves from Court. The decision of the Chief Justice or the District Judge would be final and have to be abided by the Bar. “

ix. ***Krishnakant Tamrakar vs. State of Madhya Pradesh***¹⁴,

wherein, the Hon’ble Apex Court has held as under:

“Thereafter, the Law Commission referred to observations in the judgment of this Court in Harish Uppal case that there should be no strikes by the Bar except in rarest of rare situations which should also not exceed one day. The Bar Councils were called upon to take appropriate action in the matter.”

x. ***P.N. Duda v. P. Shiv Shankar***¹⁵, wherein the Hon’ble Apex

Court has held as follows:-

“That criminal contempt proceedings may be initiated by the Court suo motu, on a motion by the Attorney-General or Solicitor-General, or by any other person with their written consent. It further clarified that where a private person merely places information before the Court requesting it to take suo motu action, such information does not itself initiate contempt proceedings; the proceedings commence only when the Court considers the information and decides to take cognizance.

¹⁴ 2018 SCC Online SC 304

¹⁵ 1988 3 SCC 167

xi. **India Forge Drop Stampings Ltd v. Employees Union**

High Court, Madras¹⁶, wherein the Madras High Court

has held as hereunder:-

“Civil contempt, as defined under Section 2(b) of the Contempt of Courts Act, 1971 arises from the wilful disobedience of any judgment, decree, direction, order, writ or other process of a Court, or the wilful breach of an undertaking given to a Court. It essentially concerns the failure of a party to comply with an order passed for the benefit of the opposite party, whereas, criminal contempt, generally consists of conduct that offends the majesty of law and undermines the dignity and authority of the Courts. The Court further referred to Section 12 of the Act, which provides for the punishment that may be imposed for contempt of Court.

(xii) **Akhileshwar Mishra v. Dharam Godha¹⁷**, wherein the Hon’ble Apex Court has explained the scope of Section 2(b) of the Contempt of Courts Act, 1971, which defines civil contempt as the wilful disobedience of any judgment, decree, direction, order, writ or other process of a Court, or a wilful breach of an undertaking given to the Court. The Court held that wilfulness denotes deliberate and intentional disobedience with the specific purpose of disregarding the order of the Court. It further observed that, for a person to be held guilty of civil contempt, the order must be capable of compliance in the

¹⁶1996 (74) FLR 2052

¹⁷ 2003 11 SCC 1

ordinary course and should not require extraordinary efforts or depend upon the acts or omissions of third parties. The question of wilful disobedience must, therefore, be determined with reference to the facts and circumstances of each case.

10. On careful consideration of the rival submissions advanced by the petitioner who appeared as party-in-person and learned counsel appearing for respondents and perused the material available on record, the following issues arise for consideration of this Court:

(1) Whether the resolution vide Ref. No.13505/MCCA/Hyd/2025, dated 16.06.2025, passed by the Metropolitan Criminal Court Bar Association, Nampally, calling upon its members to abstain from Court work is in violation of the guidelines laid down by the Hon'ble Supreme Court in Ex-Capt. Harish's case (cited supra).

(2) Whether obstructing and assaulting the petitioner in furtherance of the resolution amounts to contempt under the Contempt of Courts Act, 1971.

Issue No.1:-

11. At the outset, it is necessary to consider the manner in which the present proceedings have been initiated. The present Contempt Case

has been filed by the petitioner in his personal capacity alleging commission of contempt by the respondents. The distinction between a case filed by an individual and the exercise of suo motu contempt jurisdiction by the Court assumes significance.

12. It is pertinent to note that during the course of submissions, it has been stated that the allegations in the present proceedings are not sought to be sustained as constituting criminal contempt, but essentially relate to the alleged disobedience of the binding directions passed by Hon'ble Apex Court governing strikes and boycotts by the advocates. The respondents, however, have contended that the present proceedings are not maintainable, in the absence of foundational pleadings attracting either civil or criminal contempt; and that the allegations relating to the incident dated 16.06.2025 involve disputed questions of fact which are already the subject matter of criminal proceedings.

13. In this regard, it is pertinent to refer to Section 15 of the Contempt of Courts Act, 1971, which for better appreciation, is extracted as hereunder:-

“(1) In the case of a criminal contempt, other than a contempt referred to in section 14, the Supreme Court or the High Court may take action on its own motion or on a motion made by (a) the Advocate-General, or (b) any other person, with the consent in writing to the Advocate-General, or (c) in relation

to the High Court for the Union territory of Delhi, such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf, or any other person, with the consent in writing of such Law Officer; ”

14. The allegation insofar as it concerns the resolution dated 16.06.2025 and the alleged abstention from Court work pursuant thereto, is founded upon the alleged wilful disobedience of the binding directions issued by the Hon’ble Apex Court in ***Ex-Capt. Harish Uppal’s case (cited supra)***. Therefore, the requirement of obtaining the written consent of the learned Advocate General under Section 15 of the Contempt of Courts Act, 1971, which specifically applies to criminal contempt, does not arise. In view of the aforesaid position, the objection raised by the respondents regarding the absence of the consent of the learned Advocate General under Section 15 of the Contempt of Courts Act, 1971, cannot, by itself, be a ground to reject the present proceedings, when the allegation is examined within the framework of civil contempt under Section 2(b) of the Act, 1971. The question, therefore, is whether the conduct alleged against the respondents constitutes wilful disobedience of the binding directions of the Hon’ble Supreme Court so as to attract Section 2(b) of the Contempt of Courts Act, 1971.

15. There can be no dispute regarding the settled legal position that advocates have no right to resort to strikes or to give a call for boycott of Court work. The Hon'ble Supreme Court in *Ex-Capt. Harish Uppal's* case (cited supra), *Common Cause's* case (cited supra) and *Krishnakant Tamrakar's* case (cited supra), has reiterated that lawyers have no right to call for a strike or boycott the Courts and that an advocate cannot be compelled to participate in such strike or boycott. However, a limited exception has been recognised in the rarest of rare cases involving the dignity, integrity and independence of the Bar and/or the Bench, where abstention from work for a period not exceeding one day may be considered. The said exception is subject to the conditions indicated by the Hon'ble Supreme Court. In particular, the President of the Bar is required to consult the Chief Justice or the District Judge, as the case may be, before the advocates decide to abstain from Court work and the decision of the judicial authority concerned would be final and have to be abided by the Bar.

16. In the present case, the impugned resolution for abstaining the Court work was confined to one day i.e. 16.06.2025. The material on record indicates that the resolution was passed as an expression of solidarity and to condemn the brutal attacks on the advocates mentioned therein. Mere expression of solidarity by members of the

legal fraternity in circumstances involving an alleged attack upon an advocate cannot, by itself, be treated as an act directed against the administration of justice. The safety and dignity of advocates are matters which have a direct bearing on the independence and effective functioning of the Bar.

17. However, no material has been placed before this Court to establish that the President of the Bar Association had consulted the District Judge concerned, i.e., in the present case, Metropolitan Sessions Judge concerned before passing the resolution dated 16.06.2025. Therefore, the respondents cannot seek to justify every act undertaken pursuant to the resolution merely on the ground that the protest was confined to one day or was claimed to be in solidarity with an advocate. Even assuming that the circumstances leading to the resolution could be brought within the limited exception recognised in *Ex-Capt. Harish Uppal's* case (cited supra), such exception would extend only to the limited abstention from Court work contemplated therein and would not extend to any act of coercion, intimidation, obstruction or physical assault upon an advocate who chooses to attend Court.

18. It is pertinent to note that the conduct/overt act attributed to respondent No.5, i.e., he physically obstructing and assaulting the

petitioner is outside the aforesaid exception and, if established, would constitute violation of the directions of the Hon'ble Supreme Court in **Ex-Capt. Harish Uppal's** case (cited supra). Such conduct cannot be justified even though the impugned resolution was confined to one day or was passed in purported solidarity with an advocate.

Issue No.2:-

19. It is apt to note that the respondents have not been described in their individual capacity and not properly arrayed in the manner contemplated under Rule 7(1)(a) of the Rules of Practice, 1980. The petitioner has substantially sought to implead the office-bearers of the MCCBA, Nampally, collectively and, in effect, seeks to initiate contempt upon all the office-bearers on the basis of their respective positions in the Bar Association. Contempt proceedings cannot, ordinarily, be proceeded on the respondents collectively in the absence of specific allegations and material demonstrating the individual role and involvement of each respondent. In this regard it is pertinent to refer to the judgment of the Hon'ble Supreme Court in ***Dr. U.N. Bora, Ex. Chief Executive Officer and Ors Vs. Assam Roller Flour Mills Association and others***¹⁸, wherein it is held as hereunder:-

¹⁸2021 SCC 593

“Merely because a subordinate official acted in disregard of an order passed by the Court, a liability cannot be fastened on a higher official in the absence of knowledge. When two views are possible, the element of wilfulness vanishes as it involves a mental element. It is a deliberate, conscious and intentional act. What is required is a proof beyond reasonable doubt since the proceedings are quasi-criminal in nature.”

20. Applying the aforesaid principle to the instant case, it is to be seen that the material placed on record does not disclose any specific act attributable to each of the respondents so as to fasten individual liability for contempt except respondent No.5, against whom specific allegations are made. Even insofar as respondent No.13 is concerned, there is no material to show his presence at the place of occurrence, participation in the alleged incident, or involvement in any act of obstruction. In the absence of specific material establishing an overt act or conscious participation, contempt liability cannot be imposed merely on account of his position as a Executive Committee Member of the Bar Association. Consequently, no vicarious liability for the alleged act of respondent No.5 can be fastened upon the other office-bearers.

21. Furthermore, the question that arises is whether, in the peculiar facts and circumstances of the present case, this Court should pursue further action in contempt against respondent No.5. The alleged acts of assault and wrongful restraint of the petitioner have already resulted in

registration of FIR No.159 of 2025 and FIR No.160 of 2025 arising out of the same incident. The versions of the parties in respect of the occurrence are disputed questions of fact and are presently the subject matter of the aforesaid criminal proceedings. This Court, in exercise of its contempt jurisdiction, would not be justified in conducting a parallel adjudication upon such disputed questions of fact, particularly when the alleged physical assault is specifically attributed to respondent No.5 and not to the office-bearers collectively.

22. It is also relevant that the material placed before this Court does not disclose that, on the said date, any other advocate who choose to attend Court despite the boycott call was similarly subjected to physical assault, intimidation or coercive treatment by the office-bearers. The allegation before this Court essentially pertains to the incident involving the petitioner on 16.06.2025. Here, it is not out of place to note that subsequently, on the same day, the petitioner had entered the Court premises and attended the matter pending before the XVII Additional Chief Metropolitan Magistrate.

23. Having regard to the nature of the allegations, the disputed questions of fact arising from the incident dated 16.06.2025, the pendency of criminal proceedings arising out of the same incident, and the absence of sufficient material to establish willful disobedience

attributable to the individual respondents, this Court is not inclined to proceed further in contempt against the respondents. The aforesaid view of the Court shall not be understood as approving, condoning or legitimising any act of assault, intimidation, coercion or obstruction of an advocate seeking to attend Court, despite call of boycott by an association. The legal position remains unequivocal that the limited exception recognised in *Ex-Capt. Harish Uppal's* case (cited supra) does not authorise a Bar Association or its office-bearers to prevent an advocate from attending his professional duties or to subject such advocate to any adverse consequence for disregarding a boycott call.

24. Before parting with the matter, this Court deems it appropriate to observe that the office-bearers of Bar Associations must exercise due care, restraint and responsibility while organising or participating in any boycott/protest. Even where a boycott/protest is undertaken in circumstances claimed to be exceptional, no advocate, litigant or other person shall be subjected to intimidation, coercion, obstruction or harm for choosing to attend Court or pursue his or her legal remedy. The office-bearers shall ensure that any future protest/call for a strike/boycott is conducted strictly in accordance with the guide lines laid down by the Hon'ble Supreme Court and shall not

obstruct/prevent access to Court or interfere with the administration of justice.

25. Accordingly, the Contempt Case is dismissed.

26. Miscellaneous petitions pending, if any, shall stand closed. No costs.

LAXMI NARAYANA ALISHETTY, J

Date:21.09.2026

Dr