

[2026 LiveLaw \(SC\) 846](#)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/ORIGINAL JURISDICTION
VIKRAM NATH; J., SANDEEP MEHTA; J., VIJAY BISHNOI; J.
CIVIL APPEAL NO. 12256 OF 2025; AUGUST 21, 2026
REHANA KHAN *versus* RIZWAN SIDDHIQUEE

Advocates Act, 1961 — Section 35 — Professional Misconduct — Fiduciary Duty and Privileged Communications — Advocate going to the media against a former client — Scope of professional duty - An advocate cannot use information received in confidence against a client, and the circumstance that the client has subsequently turned into an adversary makes no difference. An advocate's professional duty is not conditional upon the client's continued good behavior towards the advocate. Even where an advocate is named in a First Information Report (FIR) by the client or subjected to media pursuit, the remedies lie in presenting their version before the investigating agency or initiating proceedings for defamation. An advocate is strictly prohibited from taking grievances to television channels, disclosing privileged communications, broadcasting recorded conversations with a former client, or publicly disparaging the client's case. [Paras 17-20].

Advocates Act, 1961 — Section 35 — Principles of Natural Justice — Ex-Parte Allegation - Where an advocate entered appearance, filed a written statement, was represented by counsel, participated in the recording of evidence, and was aware of the ongoing disciplinary proceedings throughout its pendency, a subsequent plea alleging denial of a reasonable opportunity of hearing on the ground of non-service of notice of the final hearing at an updated address cannot be sustained. A party present throughout cannot be heard to allege absence, particularly when the litigant is himself an advocate. [Para 14].

Appellate Jurisdiction / Disciplinary Proceedings — Enhancement of Punishment — Clean Hands Doctrine - A complainant seeking enhancement of punishment awarded to an advocate must approach the court with clean hands. Where the complainant suppressed material facts, engaged in dubious conduct during the subsistence of the professional relationship (such as strategizing to trap the opposing party rather than seeking pure legal advice), voluntarily appeared before the electronic media to ventilate the dispute, and allowed the discharge order of the main accused to achieve finality, no relief for enhancement of punishment can be entertained. [Para 15-20]

Abuse of Process of Court — Imposition of Exemplary Costs- The machinery of justice cannot be deployed as a facility to settle personal scores or salvage reputations imperiled by the parties' own actions. Where both litigants engaged in suppression, embellishment, and afterthought, and consumed institutional time of disciplinary bodies and constitutional courts for eleven years, costs of ₹5,00,000/- each imposed on both the complainant and the advocate to be deposited with the Supreme Court Legal Services Committee. [Paras 21 - 23].

WITH TRANSFERRED CASE (CIVIL) NO. 30 OF 2026 AND CIVIL APPEAL NO.7959 OF 2026 @ DIARY NO. 7049 OF 2026

For Appellant(s): Ms. Rehana Khan Petitioner/appellant-in-person Mr. Adit Subramaniam Pujari, Adv. Ms. Karishma Maria, AOR Mr. Manvendra Singh Shekhawat, Adv. Mr. Harshwardhan Pushkin Sharma, Adv. Mr. Bhavesh Seth, Adv.

For Respondent(s): Caveator-in-person, AOR Mr. P V Yogeswaran, Adv. M/S. Ram Sankar & Co, AOR Mr. Adit Subramaniam Pujari, Adv. Ms. Karishma Maria, AOR Mr. Manvendra Singh Shekhawat, Adv. Mr. Harshwardhan Pushkin Sharma, Adv. Mr. Bhavesh Seth, Adv.

J U D G M E N T

VIKRAM NATH, J.

1. It is sometimes said that in a trial the parties already know the truth, and that it is the judge who is on trial. The observation is a sobering one, and the present case illustrates why. Before us are two litigants, each of whom has approached this Court in the confident expectation of vindication, and neither of whom has been candid with it. Every fact of consequence has had to be prised out of a record in which suppression, embellishment and afterthought are the common currency of both sides. The machinery of justice is not a facility placed at the disposal of parties to settle scores, to salvage reputations they have themselves imperilled, or to extract advantage from a controversy of their own making. We say at the outset, and give our reasons in what follows, that neither the appellant nor the respondent leaves this Court with credit.

2. These matters arise out of the judgment and order dated 11th August 2025 passed by the Disciplinary Committee of the Bar Council of India in B.C.I. Tr. Case No. 177 of 2018.

3. They are cross proceedings. For convenience, we refer to Ms. Rehana Khan, who is the appellant in Civil Appeal No. 12256 of 2025 and the respondent in T.C.(C) No. 30 of 2026 and in Civil Appeal No. 7959 of 2026, as the appellant; and to Mr. Rizwan Siddique, advocate, as the respondent.

4. The appellant, who was the complainant before the Disciplinary Committee, has preferred Civil Appeal No. 12256 of 2025 seeking enhancement of the punishment imposed on the respondent. The respondent, for his part, first invoked the writ jurisdiction of the High Court of Judicature at Bombay under Article 226 of the Constitution, in Writ Petition No. 11765 of 2025, challenging the same order. By order dated 27th November 2025, this Court directed that the records of the writ petition be transmitted to this Court and that the matters be heard together. The writ petition, on such transfer, stands registered as T.C.(C) No. 30 of 2026. The respondent has additionally preferred Civil Appeal No. 7959 of 2026 against the same order.

5. By order dated 27th November 2025, this Court also allowed I.A. No. 247450 of 2025 and impleaded the Secretary, Bar Council of Maharashtra and Goa, as a party.

6. The facts giving rise to the present appeals are:

6.1. The respondent is an advocate enrolled on the roll of the Bar Council of Maharashtra and Goa. It is common ground that the appellant engaged the respondent as her counsel and that the engagement subsisted for some part of the years 2013 and 2014.

6.2. The appellant's case is that in 2013, following an altercation with her brother, she visited the Malad Police Station and there came into contact with a senior police official then posted as Additional Commissioner of Police, Northern Regional Division, Mumbai. She alleges that the official, under the guise of assisting her, kept in contact with her and thereafter attempted to sexually assault her. It is on this account that she says she approached the respondent, and in the course of that engagement shared with him confidential details of her personal life and material in her possession bearing on the allegations.

6.3. A legal notice was addressed to the said police official through the respondent's office. According to the appellant, the notice dated 15th July 2014, was issued without her authority. According to the respondent, the notice was drawn from a draft supplied by the appellant herself, prepared by an advocate previously engaged by her, was first dispatched on 8th July 2014 and was re-sent on 15th July 2014, in each case on her instructions.

6.4. On 24th July 2014, the appellant lodged a First Information Report against the police official under Sections 376(2), 376C, 354 and 354D of the Indian Penal Code, 1860. In that FIR, the respondent was named as a person acting under the influence of the said official.

6.5. On 28th July 2014, the appellant appeared before the electronic media with her face covered and spoke about her case.

6.6. On or about 4th August 2014, the respondent's statement was recorded by the Women's Atrocities Prevention Cell, Crime Branch, Byculla, in connection with the appellant's case. On 5th August 2014, an interview given by the respondent was broadcast on the television channels 'Aaj Tak' and 'Zee News'. Footage of conversations between the appellant and the respondent, and material said to be in the nature of messaging exchanges between them, also came to be broadcast.

6.7. On 13th August 2014, the premises of the respondent's office were searched by the investigating agency. That search was broadcast on television the following day.

6.8. On 26th February 2015, the appellant filed a complaint against the respondent under Section 35 of the Advocates Act, 1961 before the Bar Council of Maharashtra and Goa, alleging professional misconduct. It came to be registered as Disciplinary Case No. 64 of 2015.

6.9. By order dated 4th December 2015, the police official was discharged by the Trial Court in the proceedings arising out of the FIR of 24th July 2014. That order was not carried further by the appellant and has attained finality.

6.10. The complaint under the Advocates Act, was taken up by Disciplinary Committee of the Bar Council of India as B.C.I. Tr. Case No. 177 of 2018.

6.11. Before the Disciplinary Committee, the respondent denied the allegations in his written statement and maintained that he had at all times acted within the scope of his professional duty, and that the notice of 15th July 2014 had been issued with the appellant's oral consent.

6.12. By the impugned order dated 11th August 2025, the Disciplinary Committee of the Bar Council of India held that the unauthorised issuance of the notice dated 15th July 2014, the disclosure of confidential information leading to the complainant's identification in the media, and the making of derogatory public remarks concerning her, each constituted professional misconduct under Section 35 of the Advocates Act, 1961. It directed that the respondent's name be removed from the roll of advocates maintained by the Bar Council of Maharashtra and Goa for a period of two years from the date of the order, during which he was restrained from appearing before any court, tribunal or authority in India and from holding himself out as an advocate. It further imposed a fine of Rs. 3,00,000/- (Rupees Three Lakhs only) payable to the appellant, and directed a further sum of Rs. 2,00,000/- (Rupees Two Lakhs only) to be deposited in the Welfare Fund of the Bar Council of India.

6.13. Both sides are aggrieved. The appellant says the punishment is inadequate. The respondent says there was no misconduct at all.

7. We have heard Ms. Rehana Khan, the appellant, who appears in person; Mr. Adit S. Pujari, learned counsel for the respondent; and Mr. P. V. Yogeswaran, learned counsel for the Bar Council of India.

8. Submissions on behalf of the appellant:

8.1. The appellant submits that the respondent was entrusted with confidential and sensitive information concerning her and, instead of acting in her interest, acted against it. She says he entered into undisclosed coordination with the opposing party and ultimately put confidential material into the public domain.

8.2. She submits that the engagement of the respondent as her counsel is not in dispute, and that the relationship of trust which such engagement creates carries heightened professional and ethical obligations. Those obligations, she says, were breached when the respondent gave an interview to the media concerning her, when personal information passed to him in confidence found its way to the press, and when he publicly characterised her complaint as a false case of rape and accused her of seeking to sensationalise the matter.

8.3. She contends that the record shows that during the period of his engagement the respondent remained in continuous telephonic contact with the opposing party and met that party in person on 18th July 2014, which demonstrates collusion and bad faith.

8.4. She submits that the respondent has attacked her character not only in public but before the Bar Council of India, and in the course of argument before this Court.

8.5. The harm, she says, is irreversible. The disclosures have affected her dignity, her privacy, her mental peace and her standing in society.

8.6. On that footing she seeks enhancement of the punishment as a measure of accountability commensurate with the misconduct found proved. She prays that the respondent be permanently removed from the roll of advocates and that he be directed to pay her compensation of Rs. 2,00,00,000/- (Rupees Two Crore only) for the trauma she has suffered.

9. Submissions on behalf of the respondent:

9.1. Learned counsel for the respondent submits that the appellant engaged his services between 2012 and 2014. In 2014, she approached him for the limited purpose of dispatching a legal notice complaining of dereliction of duty on the part of a police officer who, it was said, was harassing her in connection with an investigation into an escort service being run in her name. The draft of that notice, prepared by an advocate previously engaged by her, was furnished by the appellant herself. It was dispatched from the respondent's office on 8th July 2014 and re-sent on 15th July 2014.

9.2. It is submitted that the respondent advised the appellant in clear terms that her grievance against the police official did not disclose an offence of rape or any other sexual offence, and that at highest a case of non-performance of duty was made out. He denies that the appellant ever approached him for the purpose of lodging an FIR against the official. His case is that the appellant wished to appear on a reality television programme and was seeking to sensationalise the matter in order to generate publicity and advance her career.

9.3. It is submitted that it was only after this advice was tendered that the appellant lodged the FIR of 24th July 2014 alleging rape, in which the respondent was named as being under the influence of the police official.

9.4. The consequence, it is submitted, fell upon the respondent. The FIR and its allegations were widely reported. He was pursued and harassed by media personnel after being named, resulting in grave professional embarrassment. His office premises were searched on 13th August 2014 and the search was broadcast the next day.

9.5. As to the events of 4th and 5th August 2014, the respondent denies that he disclosed the appellant's identity to the media. He points out that the appellant had herself appeared before the media on 28th July 2014, albeit with her face covered, and had spoken of the details of her case. He submits that at no point did he voluntarily disclose any confidential information or her identity, and that the video material broadcast by the news channels was material he had furnished to the police, which he did not release to any journalist.

9.6. As to the interview carried on 'Aaj Tak', the respondent submits that the appellant was represented in that broadcast by one Ms. Chitra Salunke, advocate, and that his own participation was for the sole purpose of answering the public accusations against him. He further submits that by that date he was no longer the appellant's counsel.

9.7. It is further submitted that the impugned order came to be passed ex parte by the Disciplinary Committee without service of notice of the final hearing at the respondent's correct and updated address. Such non-service is said to strike at the root of the principles of fair hearing and to vitiate the entire disciplinary proceedings.

9.8. On these submissions, it is urged that the impugned order proceeds upon a complaint in which the appellant has deliberately suppressed material facts, that no professional misconduct is made out, and that the order of the Disciplinary Committee ought to be set aside.

10. Submissions on behalf of the Bar Council of India:

10.1. Learned counsel for the Bar Council of India supports the impugned order and submits that the findings recorded by the Disciplinary Committee are borne out by the material on record and that the punishment imposed is proportionate to the misconduct established.

11. We have given our thoughtful consideration to the arguments advanced and the material on record.

12. The record in these matters makes for compelling reading. Litigation of this kind holds a certain fascination, and we do not pretend otherwise. But a court is not an auditorium, and the drama of a case is no measure of its merit. Stripped of its theatre, what these proceedings disclose is a controversy which two litigants have between them manufactured, prolonged and brought to the highest court in the country, each in the hope that we would be sufficiently diverted by the spectacle to overlook their own part in creating it. We have not been.

13. Two questions arise. The first, raised by the respondent, is whether the findings of professional misconduct are sustainable at all. The second, raised by the appellant, is whether the punishment imposed is so inadequate as to call for enhancement.

14. The respondent has urged that he was denied a reasonable opportunity of being heard by the Disciplinary Committee, the impugned order having been passed ex parte

and without service of notice of the final hearing at his correct and updated address. We have examined the record with care, and the ground does not survive scrutiny. The respondent entered appearance and he filed a written statement refuting the allegations. He was represented by counsel, and he participated in the recording of evidence. It is clear that he knew, from the institution of the disciplinary case, down to the passing of the impugned order in August 2025, that proceedings were pending against him and what those proceedings alleged. A party who has been present throughout cannot be heard to say that he was absent, especially one who is himself an advocate. The ground is flimsy and is, in our view, an afterthought, taken because no better one was available

15. That brings us to the substance. Whatever be the disputes about the notice of 15th July 2014, and there is much on the record which is unclear about how that notice came to be issued and on whose instructions, one fact stands out and is not in dispute. On 5th August 2014 the respondent went on television. He gave an interview which was broadcast on 'Aaj Tak' and 'Zee News'. In that interview he spoke of his relationship with the appellant, of what she had told him and of what had passed between them. Conversations between the two, recorded and thereafter released, were played alongside. Material said to consist of their messaging exchanges was also broadcast.

16. The complaint before the Disciplinary Committee expressly mentions the press interview and the respondent's written statement does not deny that he gave it. His answer is one of justification. In these circumstances, the Disciplinary Committee was bound, to proceed on the footing that the interview was given.

17. The justification offered is that the appellant had by then named the respondent in the FIR of 24th July 2014, that he was no longer her counsel, that he was being pursued by the media, and that he spoke only to answer the accusations made against him. This justification does not suffice. An advocate's duty is not conditional upon the client's continued good behaviour towards the advocate. An advocate cannot use information received in confidence against his client, and the fact that she has since become his adversary makes no difference.

18. An advocate who considers himself falsely accused is not without remedies. He may place his version before the investigating agency, as indeed the respondent did on 4th August 2014 or he may sue in defamation. What he may not do is take his grievance to a television channel and there disclose privileged communications, play recorded conversations with his former client, and describe her complaint as a false case of rape while accusing her of seeking publicity.

19. The finding of professional misconduct on this count is therefore unassailable, and it is sufficient to sustain the punishment imposed. We find no ground to interfere with the impugned order. T.C.(C) No. 30 of 2026 and Civil Appeal No. 7959 of 2026 are dismissed.

20. As regards the appellant's prayers, there is a further difficulty. She asks this Court to enhance a punishment in her favour, and one who asks for that must come to us with clean hands. She has not. The material on record, including exchanges she has herself relied upon, shows that while the engagement subsisted she and the respondent were in discussion about the means by which the police official might be trapped, which is not the conduct of a client simply seeking legal advice. Nor is her account of what followed complete. She appeared before the electronic media on 28th July 2014 of her own volition and spoke of her case, though her grievance before us is that her case was made public. Further, the police official was discharged on 4th December 2015, and that order has never been challenged by her. Having been less than candid about each of these matters,

she cannot ask us to enlarge a relief granted to her. Her prayer for enhancement is refused and Civil Appeal No. 12256 of 2025 is dismissed.

21. We are left with the observation with which we began. Each of these parties has come to us complaining of a wrong, and each has been the author of a good part of it. Between them they have occupied the time of the Bar Council of India, a High Court and this Court for eleven years. That time belonged to other litigants, waiting for reliefs they genuinely need. We record our strong disapproval of the conduct of both.

22. In view of the above observations, the impugned order dated 11th August 2025 is upheld. Civil Appeal No. 12256 of 2025, Civil Appeal No. 7959 of 2026 and T.C.(C) No. 30 of 2026 are all dismissed.

23. In view of the conduct of each party, we find it fit to impose costs. The appellant and the respondent shall each pay costs of Rs. 5,00,000/- (Rupees Five Lakhs only) to be deposited with the Supreme Court Legal Services Committee within four weeks from today, failing which it shall be recovered in accordance to law.

24. Pending applications, if any, stand disposed of.

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