

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 19749 of 2026

and

CRL.MP.No.13093 of 2026

B.Jagadeeshwaran
S/o. Boopathi,
No.113, 14/1, Bharathi Nagar, 1st Street,
Chinnathirupathi, Salem District.

..Petitioner(s)

Vs

1. The State Rep by its, Inspector of Police
Kannankurichi Police Station,
Salem District.
Crime No.163 of 2026.

2. R.Srinivasan
S/o. A.Ramu,
7/2/5, Santha Street,
Kannakurichi, Salem District.

..Respondent(s)

For Petitioner(s):

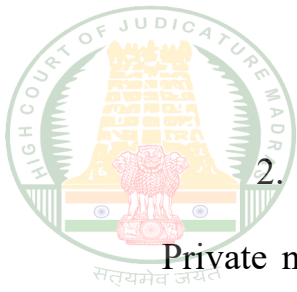
Mr.C.Deepakkumar

For Respondent(s):

Mr.M.Mohamed Riyaz
Government Advocate (Criminal Side) for R1

ORDER

Mr.M.Mohamed Riyaz, learned Government Advocate (Criminal Side),
takes notice for the first respondent.

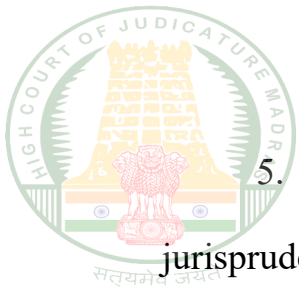


2. Issue notice to the second respondent, returnable by 24.08.2026.

Private notice is also permitted. In the meanwhile, the respondent police are permitted to proceed with the investigation in accordance with law and to file their counter affidavit before the next date of hearing.

3. The petitioner is a practising advocate and a member of the Bar Council. This Court has been regularly dealing with petitions filed under Section 482 of the Code of Criminal Procedure and Section 528 of the Bharatiya Nagarik Suraksha Sanhita. A considerable number of such petitions, particularly in recent times, have been filed by practising advocates or person seeking to enroll, primarily seeking quashment of criminal proceedings or other ancillary reliefs.

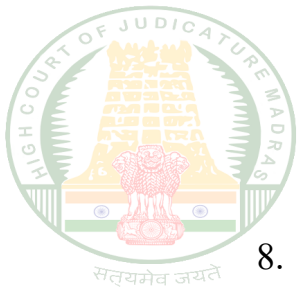
4. During the course of hearing these matters, this Court has noticed an increasing trend. In one category of cases, it is contended that the petitioners were already arrayed as accused in criminal cases before their enrolment as advocates and that such pendency of criminal proceedings cannot, by itself, be a ground to deny them the right to practise the profession. In another category of cases, allegations are made that certain advocates continue to indulge in criminal activities even after enrolment. It is further noticed that, in several instances, such persons eventually become office-bearers / leaders of various Bar Associations.



5. There can be no dispute with the settled principle of criminal jurisprudence that the mere registration of an FIR does not attach any stigma to a person. Every accused is presumed to be innocent until proved guilty in accordance with law. This fundamental principle cannot be diluted.

6. However, when persons facing multiple criminal prosecutions become members of the Bar and thereafter aspire to occupy leadership positions in Bar Associations, the issue assumes a different dimension. Advocates are officers of the Court and constitute an integral part of the justice delivery system. If persons facing serious criminal allegations become office-bearers of Bar Associations and their number manifoldly increases in every bar, a legitimate concern arises as to whether they would be in a position to effectively safeguard the interests of the clients whom they represent and uphold the dignity and values expected of the legal profession.

7. This Court is not concerned with isolated instances involving one or two advocates. The concern is with the alarming number of such cases that are being brought before this Court. On almost every working day, this Court is dealing with nearly 30 to 40 criminal matters involving practising advocates. If a substantial / large section of the legal fraternity is personally involved in criminal litigation, it has the potential not only to affect the image of the Bar, in the long run, the credibility of the justice delivery system itself.



8. In the considered view of this Court, the issue has reached a stage where an appropriate policy decision may be required at the level of the Bar Council of Tamil Nadu and Puducherry and the Bar Council of India, which are the statutory authorities entrusted with regulating the legal profession. These authorities are empowered to frame appropriate rules and policies concerning enrolment into the profession as well as eligibility for holding offices in Bar Associations.

9. It is made clear that these observations are not intended to cast any aspersion upon the present petitioner or any other individual advocate. The concern expressed by this Court is purely institutional. A comprehensive and objective study of the prevailing situation has become imperative.

10. The Bar Councils may consider engaging competent researchers or constituting an appropriate committee to undertake a detailed survey regarding the number of practising advocates facing criminal prosecutions, the nature of such offences, whether the alleged offences relate to the period prior to enrolment or subsequent thereto, the number of office-bearers of various Bar Associations who are facing criminal cases, and whether such cases arise out of professional activities, including protest-related incidents, or involve offences involving moral turpitude or other serious crimes. Such an exercise would



provide the necessary empirical data to enable the statutory authorities to consider framing appropriate rules or guidelines.

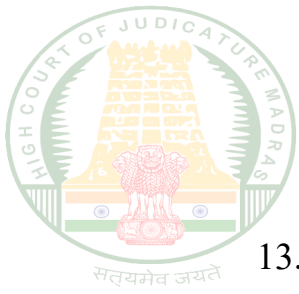
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11. The increasing number of such cases coming before this Court has assumed alarming proportions. The attention of the stakeholders, namely the Bar Council of India and the Bar Council of Tamil Nadu and Puducherry, is therefore required to be drawn to this issue. Any survey or research undertaken by them would facilitate the collection of reliable factual data, which in turn would assist them in taking informed policy decisions and framing appropriate regulatory measures.

12. In view of the above, while permitting the respondent police to proceed with the investigation and directing them to file their counter affidavit, this Court, *suo motu*, impleads the following authorities as party respondents:

(i) The Bar Council of India, represented by its Chairman, Mr. Manan Kumar Mishra, 21 Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi – 110 002 as the 3rd respondent.

(ii) The Bar Council of Tamil Nadu and Puducherry, represented by its Chairman, Mr. P.S. Amalraj, High Court Campus, Chennai, Tamilnadu, as the 4th respondent.



13. This order is passed in the presence of Mrs. Greetha Senthilkumar, Secretary, Bar Council of Tamil Nadu and Puducherry, who is present before this Court.

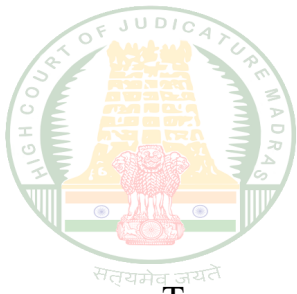
14. The Registry is directed to serve a complete set of papers on the learned Standing Counsel appearing for the Bar Council of India and the Bar Council of Tamil Nadu and Puducherry. The newly impleaded respondents are at liberty to appear before this Court and place their views, suggestions, and any practical difficulties with regard to the directions issued herein.

15. It is made clear that, upon considering the response of the newly impleaded respondents, this Court shall issue such further or modified directions as may be necessary regarding the manner in which the relevant data is to be collected, analysed, and placed before this Court for considering the larger issues involved.

16. List the case on 24.08.2026.

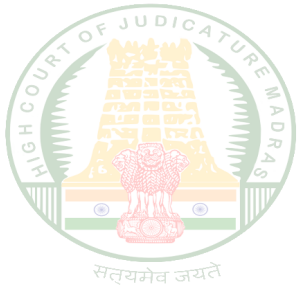
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1. The Bar Council of India,
represented by its Chairman,
Mr. Manan Kumar Mishra,
21 Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi – 110 002.
2. The Bar Council of Tamil Nadu and Puducherry,
represented by its Chairman,
Mr. P.S. Amalraj, High Court Campus,
Chennai, Tamilnadu.
3. The Inspector of Police
Kannankurichi Police Station,
Salem District.
4. The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY, J.

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