APHC010209702026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3521]**
(Special Original Jurisdiction)

TUESDAY,THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 3176/2026

Between:

KUPPILI SRINIVASA RAO, S/O LATE RAMUDU,AGED 57 YEARS, R/O FLAT NO. 101, KOMALI ARCADE,ASHOK NAGAR, ASILMETTA, VISAKHAPATNAM.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS SPECIAL PUBLIC PROSECUTOR,HIGH COURT BUILDINGS AT VELAGAPUDI,AMARAVATHI GUNTUR DISTRICT,THROUGH THE INVESTIGATION OFFICER,INSPECTOR OF POLICE CRIME INVESTIGATION DEPARTMENT,ANDHRA PRADESH REGIONAL OFFICE VI
2. THE STATE BANK OF INDIA, REP. BY ITS REGIONAL MANAGER,STATE BANK OF INDIA,REGIONAL BUSINESS OFFICE,SME REGION, BALAJI NAGAR,SIRIPURAM VISAKHAPATNAM53003.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

S A V RATNAM

Counsel for the Respondent/complainant(S):

PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity, 'BNSS') by the Petitioner/Accused No.7, seeking to quash the proceedings against him in C.C. No.4434 of 2023 on the file of the learned Chief Metropolitan Magistrate, Visakhapatnam, and the Designated Court for CID Cases at Visakhapatnam.

2. Since Respondent No.2 is a pro forma party, there is no issuance of notice to Respondent No.2 and no hearing of Respondent No.2.

3. Ms.P.Akhila Naidu, learned Assistant Public Prosecutor, submits that the investigation reveals that, on 23.02.2019, the Bank forwarded the title deeds to the petitioner (Accused No.7), who is a Panel Advocate, for a title investigation report. The petitioner submitted the title investigation report along with ECS to the branch on 28.02.2019, certifying that the property was genuine and that a valid mortgage could be created. Since respondent No.2 is a pro forma party, there is no necessity to issue notice to or hear respondent No.2.

4. It is further contended that the said Panel Advocate, namely Kuppili Srinivasa Rao (Accused No.7), did not adhere to the guidelines prescribed in the Standard Operating Procedure (SOP) of the Bank while submitting the title investigation report. It is alleged that he neither verified the original title deeds nor obtained certified copies of the same from the concerned Sub-Registrar Offices. Further, he failed to submit a copy of Will Deed No.295 of 1998 from

SRO, Tanuku, to the appropriate Sub-Registrar Office for verification of its authenticity.

5. It is also stated that, as per the investigation, the root of title for the execution of the partition deeds traces back to the said Will Deed No.295 of 1998 from SRO, Tanuku. Therefore, the authenticity of the said document ought to have been verified at the Registrar's Office in accordance with the SOP guidelines. However, the petitioner neither visited the concerned Sub-Registrar Offices to verify the genuineness of the Will nor conducted a physical search of the property at the office of the Sub-Registrar, Pidimigoyya Village.

6. Smt. S.A.V.Ratnam, learned counsel for the Petitioner, submits that the Petitioner is a panel advocate for Respondent No.2/Bank. The allegation against him is that he did not follow the Standard Operating Procedure while rendering his legal opinion, based on which Respondent No.2/Bank extended a loan to the other accused.

7. The learned counsel for the Petitioner further submits that, at the most, the Petitioner, being a panel advocate of the Bank, may be said to have committed professional misconduct, but no criminal offence is made out. It is contended that there is no allegation against the Petitioner/Accused No.7 that he conspired with the other accused in creating or fabricating false documents for the purpose of obtaining the loan.

8. The learned Assistant Public Prosecutor further submits that the Petitioner/Accused No.7 failed to follow the Standard Operating Procedure,

which he was duty-bound to adhere to. It is submitted that he neither verified the title deeds nor obtained certified copies of the same from the concerned Sub-Registrar Offices. Further, he failed to submit a photocopy of Will Deed No.295 of 1998 from SRO, Tanuku, to the appropriate Sub-Registrar for verification of its authenticity.

9. It is further contended that the investigation reveals that the Petitioner ought to have verified the authenticity of the said Will with the Registrar's Office by strictly following the SOP guidelines. Being a panel advocate, the Petitioner was expected to act with due diligence and in the best interests of his client. However, he failed in discharging his professional responsibilities. Therefore, a case has been registered against the Petitioner as well, and it is urged that the present petition be dismissed.

10. Heard the learned Counsel for the Petitioner and the learned Assistant Public Prosecutor. No representation for the respondent No.2.

11. Thoughtful consideration is bestowed on the arguments advanced by the learned Counsel for both sides. I have perused the entire record.

12. In the light of the case of the prosecution and the contentions of the learned Counsel for both the sides, now the point for consideration is:

> *"Whether the proceedings in C.C.No.4434/2023 against the Accused No.7 on the file of the learned Chief Metropolitan Magistrate, Visakhapatnam, and the Designated Court for CID Cases at Visakhapatnamare liable to be quashed in exercise of the inherent powers of the High Court under Section 482 of 'the Cr.P.C.,'/Section 528 of 'the BNSS'?"*

13. It is not in dispute that the Petitioner is an advocate and a panel lawyer for Respondent No.2/SBI Bank. This Court, in **Shaik Abdul Gaffar v. State of Andhra Pradesh**[1], has held that advocates who serve as panel lawyers for financial institutions are not liable for criminal prosecution for any lapse or negligence in rendering legal opinion, including failure to verify the validity or authenticity of documents submitted by bank authorities for the purpose of sanctioning loans, in the absence of specific allegations of conspiracy with other accused in creating, fabricating, or forging false documents.The said principle is laid based on the judgment of the Hon'ble Apex Court in **Central Bureau of Investigation v. K. Narayan Rao**[2], wherein it was held that, in the absence of material indicating active involvement or conspiracy, panel advocates cannot be subjected to criminal prosecution merely for rendering a legal opinion.

14. In the instant case, the investigation reveals that, on 23.02.2019, Respondent No.2/Bank forwarded the title deeds to the Petitioner/Accused No.7, who is a panel lawyer, for submission of a title investigation report. The Petitioner submitted his report to the ECS Branch on 28.02.2019, certifying that the property was genuine and that a valid mortgage could be created.

15. It is alleged that the Petitioner, being a panel lawyer, did not adhere to the guidelines issued under the Standard Operating Procedure (SOP) of Respondent No.2/Bank while submitting the title investigation report. Even

[1] Crl.Nos.4864 of 2021 and batch dated 23.01.2026
[2] 2012 9 SCC 512

assuming that the SOP was not followed by the Advocate/panel lawyer before rendering the legal opinion, at the most, it would amount to professional misconduct, for which the remedy available to the Bank lies elsewhere. The Bank ought to have approached the Bar Council of the concerned State for initiation of appropriate disciplinary proceedings. However, the Bank did not choose to follow the said course and instead lodged a complaint with the police, not only against the Petitioner but also against the other accused who are alleged to have obtained the loan by creating, fabricating, or forging certain documents or records.

16. This Court, in Crl.P.No.4702 of 2024, quashed the proceedings pending against Accused No.6 in that case. The present petitioner/Accused No.7 petitioner stands on a similar footing. The petitioner is also a panel advocate of respondent No.2/Bank.

17. In the present case, there is no specific allegation that the Petitioner, in his capacity as a panel lawyer, was involved in any conspiracy with the other accused in creating or forging any false document for the purpose of obtaining the loan. Therefore, the initiation or continuation of criminal proceedings against the Petitioner, who rendered legal opinion in the course of his professional duties to the Bank, amounts to an abuse of the process of law.

18. In the result, Criminal Petition is allowed, and the proceedings in C.C.No.4434 of 2023 on the file of the learned Chief Metropolitan Magistrate, Visakhapatnam and Designated Court for CID Cases at Visakhapatnam, are hereby quashed against the Petitioner/Accused No.7.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

Dr. Y. LAKSHMANA RAO,J

Date :21.04.2026
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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION No: 3176 of 2026

Date: 21.04.2026

RSI