IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.30533 of 2025
and Crl.M.P.No.20864 of 2025

C.Ramesh
S/o.K.Chakkarapani ..Petitioner(s)

Vs

1. The Inspector of Police/Investigating Officer
   Central Bureau of Investigation/ACB,
   3rd Floor, Shastri Bhavan,
   No. 26, Haddous Road,
   Chennai- 600 006.

2. Nirmal Patel
   Regional Head and Deputy General Manager,
   Bank of Baroda,
   Chennai Metro Region,
   Chennai- 600 018.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of BNSS r/w 482 Cr.P.C., to call for the records on the file of the 1st respondent in connection with FIR No. RCO3222025A0013 dated 17.06.2025 for the offences U/s. 120(b), 420, 468 and 471 of Indian Penal Code and Sections 13(2) R/w 13(1)(a) of Prevention of Corruption Act and quash the same.

For Petitioner(s): Mr.V.Paarthiban

For Respondent(s): Mr.K.Srinivasan
Special Public Prosecutor (CBI Cases) - R1

ORDER

The petitioner / A5 in F.I.R.No.RCO322025A0013 dated 17.06.2025 had filed the present quash petition.

2.The case as per the complaint is that the Deputy General Manager, Bank of Baroda had lodged a complaint stating that M/s.Monica Co. Products, a partnership firm was established in the year 2020 by its partners K.Pavalabalau (A1) and G.Palanivel. One Radha joined as a new partner in the firm, after resignation of G.Palanivel, . The partnership firm engaged in the business of processing and manufacturing of coconut based products, approached Bank of Baroda, Purasawalkam Branch for cash credit facility of Rs.7.60 Crores which was sanctioned on 29.09.2021. The partnership firm mortgaged 23 vacant plots situated at Adhanoor Village and Orathoor Village as collateral. It was found that M/s.Monica Co. Products, the partnership firm submitted fabricated / fake title deeds and layouts of all the 23 properties which are offered as security against the cash credit facility sanctioned by the Bank. The petitioner is an empanel advocate of Bank of Baroda, who in collusion with Malaivel Sugumaran, an empanelled valuer, given positive opinion favouring M/s.Monica Co. Products Ltd. Later found to be not correct. On the complaint, a case has been registered.

3.The admitted case of the complaint is that the petitioner is a panel lawyer of Bank of Baroda and based on the document submitted to him, he verified the title of the document and gave his opinion. The panel lawyer can give opinion without asking for any clarification, unless prima facie materials found in the documents doubtful. Then he can clarify with the bank officials and customers.

4.In this case, the petitioner gave his opinion based on the documents submitted. On the face of it, the forgery involved is not apparent and further the opinion of the advocate is one of the factors for the bank officials to consider and process the loan application. There are specific guidelines and procedures given to the loan officers, who are to visit the place of property, scrutinize the valuer report, viability of the project and after physical verification and satisfaction about the viability of the project, the legal opinion of the panel advocate will be taken as an added factor and it is not that on the sole basis of legal opinion the loan will be granted. As a panel advocate, he had only given his opinion and collected his legal fee. The petitioner has no other personal interest. If such proceedings are continued, then it would scuttle the freedom of legal profession and for every case the legal practitioners would be found fault with and penalised and a professional to suffer the ignominy of a criminal case.

5.In support of his contention, the petitioner relied upon the decision of the Hon'ble Supreme Court in ***Central Bureau of Investigation, Hyderabad V.***

K.Narayana Rao [2012 (9) SCC (512)], ***Surendranath Pandey and another V. State of Bihar and another*** [2020 (18) SCC (730)] and a decision rendered by this Court in ***Crl.O.P.(MD) No.3653 of 2019 and Crl.O.P.No.19420 of 2023***. Wherein the Apex Court and as well as this Court, has held that the legal practitioners cannot be prosecuted merely on the ground of legal opinion rendered though it might have been found not proper. Legal Opinion is a subjective satisfaction depending upon the materials produced.

6.The learned Special Public Prosecutor appearing for the 1st respondent filed his counter and submitted as follows;

"…

02. It is further submitted that the instant case RCO322025A0013/CBI/ACB/Chennai, under Section 120B r/w 420, 468, 471 I.P.C. and Section 13(2) r/w 13 (1)(a) of Prevention of Corruption Act 1988 (as amended in 2018) against Shri K.Pavalabalan (A1), Ms.K.Radha (A2), M/s.Monica Co. Products (A3), Shri Malaivel Sugumaran (A4), Shri C.Ramesh (A5) and unknown public servants, has been registered on the basis of written complaint No.RO:CMR:VIG:60/121 dated 09.06.2025 preferred by Shri Nirmal Patel, Deputy General Manager, Bank of Baroda, Regional Office, Chennai Metro Region, No.10, CP Ramasamy Road, Alwarpet, Chennai 600 018 to the HoB, CBI, ACB, Chennai, with the allegation of fraud to the tune of Rs.7.60 Crores in Cash Credit Loan at Purasawalkam Branch, Chennai.

02.It is alleged that in the year 2020, M/s.Monica Co. Product was established as a Partnership firm, represented by Mr.K.Pavalabalan and Mr.G.Palanivel as partners. Due to some personal reasons, Mr.G.Palanivel resigned from the firm. The firm was reconstituted and Mrs.Radha was inducted as a new partner on 05.07.2021 under unregistered partnership deed having its registered office at No.84/90, DVK Town, 4th Floor, G.N.Chetty Road, T.Nagar, Chennai 600 017.

- *The firm was engaged in the business of processing and manufacturing of coconut and coconut based products like copra and coconut oil.*

- *The firm approached Bank of Baroda, Purasawalkam branch for sanction of a cash credit facility with limit of Rs.760 lakhs and was sanctioned under RMCC, Chennai Metro Region on 29.09.2021.*

- *The said facility was secured by mortgage of 23 vacant plots situated at Adhanoor and Orathoor Village. During the preventive vigilance audit dated 05.12.2022 and Zonal Internal Audit Department (ZIAD) audit dated 07.07.2023, various irregularities and deficiencies related to collateral properties were observed in the account.*

- *It is alleged that the layout plan along with the sale deed mortgaging-23 vacant plots (20 properties from Orathoor village and 3 properties at Adhanoor Village) submitted to the branch did not match the approved layout plan available with the Land*

Revenue Department, Tamil Nadu Government.

- *It was highlighted that 3 plots mortgaged to the Bank at Adhanoor Village belonged to the park area and 20 plots mortgaged at Orathoor Village.*

- *The accused had submitted fabricated fake title deeds and layout plan of all the 23 properties which was offered as security against the credit facility sanction by bank in collusion with Mr.Malaivel Sugumaran, Ex.Empanelled Valuer and Mr.C.Ramesh, Ex Empanelled Advocate.*

- *Accordingly accused has obtained the loan through cheating the Bank and mortgaging fake and fabricated documents. Further, after sanction of the loan, loan proceeds are diverted / siphoned off for the personal gains of the partners for the reasons best known to them and have caused wrongful loss to the bank and corresponding wrongful gain to themselves to the tune of Rs.7.60 Crores.*

03.The Investigation is at a crucial stage and substantial material has been collected indicating the petitioner's involvement in the instant case.

7.The learned Special Public Prosecutor fairly submitted that now the investigation completed and a draft charge sheet made ready . The petitioner's name dropped from the accused list. Further, for one of the accused viz.

R.Kumar, permission has been sought from the Government of Tamil Nadu as per Section 6 of DSPE and permission is awaited. Once permission received, charge sheet will be filed. He confirms that the petitioner is no more an accused in this case and his name deleted.

8.Recording the submissions of the learned Special Public Prosecutor, F.I.R No.RCO3222025A0013 dated 17.06.2025, on the file of the 1st respondent is quashed as regards the petitioner alone. This Criminal Original Petition stands allowed. Consequently, connected Crl.M.P.No.20864 of 2025 stands closed. It is made clear that investigation with regard to other accused to continue and take the case to its logical end.

17-02-2026

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

To.

1. The Inspector of Police/Investigating Officer
   Central Bureau of Investigation/ACB,
   3rd Floor, Shastri Bhavan,
   No.26, Haddous Road, Chennai- 600 006.

2. The Public Prosecutor
   High Court of Madras
   Chennai 600 104.

M.NIRMAL KUMAR, J.

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