



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

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THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP(MD) No. 15122 of 2025
and Crl.MP(MD) No.12274 of 2025

1. Binulalsingh
2. Rajesh Kumar
3. N.S.Dipkar
4. Jagen
5. Stalin
6. Y.Samuel
7. Vijayakumar
8. Jakgrit Dhabanesan
9. Jebba

..Petitioner(s)

Vs

Union of India
Rep. By Mr.P.S.Iji,
The Assistant Sub-Inspector of Police,
Railway Protection Force,
Kuzhithurai, Kanyakumari,
Crime No.482 of 2023

..Respondent(s)

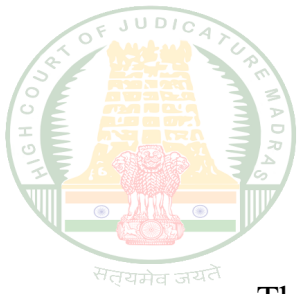
PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records pertaining to the case registered in S.T.C.No.1987 of 2023, on the file of the Judicial Magistrate No.I, Nagercoil, Kanyakumari District and QUASH the same as illegal as far as the Petitioners is concerned.

For Petitioner(s):

Mr.G.Anto Prince
Neya As

For Respondent(s):

Mr.V.Chandrasekaran
Senior Panel Acounsel (CRPF)



ORDER

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This Petition has been filed to quash the proceedings in S.T.C.No.1987 of 2023 on the file of the Judicial Magistrate No.I, Nagercoil, Kanyakumari District.

2.The case of the prosecution is that on 15.04.2023, under the leadership of petitioners 1 and 2, who is serving as a sitting MLA, Nagercoil (Congress Party), along with 30 other members of Kanyakumari district, West Committee, conducted a protest as against the disqualification of their National Leader Sri. Rahul Gandhi, being a Member of Parliament, unauthorizedly entered into the railway station holding flags on their hands and shouting slogans against the Central Government. They also assembled in front of the Train No.16381 Pune-Cape Express causing 4 minutes detention from 10.55 to 10.59 hrs at KZT home and assembled in front of Train No.16525 Cape-SBC Express causing 07 minutes detention from 11.13 to 11.20 hrs. at Platform No.02 of Kuzhithurai Railway Station, creating nuisance among the passengers. The protestors were removed from there with the help of the local police, Marthandam RPF/GRP Kuzhithurai. Hence a case came to be registered against them in Crime No.482 of 2023, for the offences punishable under Section 174(a), 147 and 145(b) of Railway Act, 1989 (Amended in 2003).



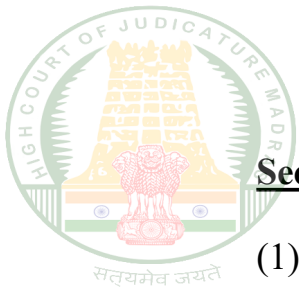
3. On a perusal of records and also on the submissions made by the respondents, it reveals that the allegations against the protestors are they have entered into a railway station having flags on their hands and assembled unlawfully in front of the train No.16381 Pune-Cape Express causing 4 minutes detention from 10.55 to 10.59 hrs at KZT home and in front of Train No.16525 Cape-SBC Express causing 07 minutes detention from 11.13 to 11.20 hrs at Platform No.02 of Kuzhithurai Railway Station and prevented the passage of trains and also shouted slogans loudly against the Central Government. Whereas, the charges against the petitioners are for the offences under Sections.174(a), 147 and 145(b) of Railway Act, 1989 (Amended in 2003).

4. It is relevant to extract the provisions under

Section 174 – Obstructing running of train, etc. -

If any railway servant (whether on duty or otherwise) or any other person obstructs or causes to be obstructed or attempts to obstruct any train or other rolling stock upon a railway, -

- (a) By squatting or picketing or during any rail roko agitation or bandh; or
- (b) By keeping without authority any rolling stock on the railway;
- (c) By tampering with, disconnecting or interfering in any other manner with its hose pipe or tampering with signal gear or otherwise, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.



Section 147 – Trespass and refusal to desist from trespass -

(1) If any person enters upon or into any part of a railway without lawful authority, or having lawfully entered upon or into such part misuses such property or refuses to leave, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such punishment shall not be less than a fine of five hundred rupees.

(2) Any person referred to in sub-section (1) may be removed from the railway by any railway servant or by any other person whom such railway servant may call to his aid.

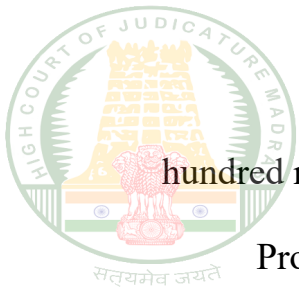
Section 145 – Drunkenness or nuisance – If any person in any railway carriage or upon any part of a railway -

(a) is in a state of intoxication; or

(b) commits any nuisance or act of indecency or uses abusive or obscene language; or

(c) wilfully or without excuse interferes with any amenity provided by the railway administration so as to affect the comfortable travel of any passenger,

he may be removed from the railway by any railway servant and shall in addition to the forfeiture of his pass or ticket, be punishable with imprisonment which may extend to six months and with fine which may extend to five



hundred rupees;

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such punishment shall not be less than -

- (a) a fine of one hundred rupees in the case of conviction for the first offence; and
- (b) imprisonment of one month and a fine of two hundred and fifty rupees, in the case of conviction for second or subsequent offence.

5.As per the allegations, no offences are made out as against the petitioners. That apart, the complainant viz. the respondent and the investigation officer are one and the same. Justice must not only be done but must appear to be done also. Any possibility of bias or a predetermined conclusion has to be excluded. In the present case on hand, the respondent is the complainant and also the investigation officer. Further, the petitioners assembled in the railway station to register their protest against the disqualification of their leader. Therefore, the issue is that as to whether any useful purpose would be served in making the petitioners to face the trial. The identify of the persons who had gathered to conduct the protest is not revealed to sustain charge against the petitioners. There are several persons who have said to have participated in the protest, but naming some of the persons viz. numbering nine persons only have been shown in the proceedings. That apart,



they have only shown their protest in a democratic way and allegations as such found in the entire proceedings, even if it is taken at the face value, does not make out an offence against the petitioners. It is relevant to extract the following order passed by this Court in the case of **Sivasankaran Vs. Union of India** in Crl.O.P.No.8688 of 2025 as follows;

“6. ... However, in the present case, the petitioner and others participated in a democratic protest, which prima facie does not strictly fall within the ambit of “trespass”, “nuisance”, or “obstruction” as contemplated under Sections 147, 145(b) and 174(a) of the Act.

7. In order to attract the offence under Section 145(b), there is no material evidence to establish that the petitioner or other protestors committed any nuisance, act of indecency, or used abusive or obscene language. The records indicate that the protest was peaceful, and there are no allegations of disorderly conduct that would attract Section 145(b) of the Act. Mere presence at the protest site does not constitute a nuisance within the meaning of the statute.

8. Insofar as the offences under Section 147 and 174(a) are concerned, the petitioner and 1,099 other persons entered the railway yard and squatted on the track as part of a protest against the Jallikattu ban. The right to protest is a fundamental right, and mere peaceful demonstration, without violence or damage to railway property, does not amount to an offence under these



provisions. That apart, the FIR and final report reveal that except for naming the petitioner and a few others, the respondent police have not identified the other accused persons. The prosecution has not provided any material evidence to establish the specific involvement of the petitioner beyond mere participation in the protest. In such circumstances, proceeding with the trial without proper identification of the accused persons would be a futile exercise and an abuse of the process of law.

9. In view of the foregoing discussion, this Court is of the opinion that the continuation of proceedings as against the petitioner is unsustainable, as the ingredients of Sections 147, 145(b) and 174(a) of the Railways Act, 1989, are not made out. Accordingly, the entire proceedings in S.T.C.No.440 of 2017, pending on the file of the learned Judicial Magistrate No.I, Ariyalur, is hereby quashed and this Criminal Original Petition stands allowed”.

6. Therefore, the charges under Sections 174(a), 147 and 145(b) of Railway Act 1989 (amended in 2003) are not attracted, even on the face of the complaint.

7. In view of the above, the records pertaining to the case registered in S.T.C.No.1987 of 2023, on the file of the Judicial Magistrate No.I, Nagercoil,



G.K.ILANTHIRAIYAN, J.

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Kanyakumari District cannot be sustained and is set aside and the entire proceedings as against the petitioners are quashed.

8.This Criminal Original Petition stands allowed accordingly.

Consequently, the connected miscellaneous petition is closed.

12-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To.

1.The Assistant Sub-Inspector of Police,
Union of India
Rep. By Mr.P.S.Iji,
Railway Protection Force,
Kuzhithurai, Kanyakumari,

2.The Judicial Magistrate No.I
Nagercoil
Kanniyakumari

CRL OP(MD) No. 15122 of 2025