



CRL.O.P.No.10471 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.No.10471 of 2022 and
CRL.M.P.No.6297 of 2022

1.E.V.Velu
2.Ezhilmaran
3.R.Seenu
4.R.Ramesh
5.G.Murugan
6.Gopi
7.Natarajan
8.Vinayakan
9.E.Arumugam
10.A.Selvam
11.K.Shajakhan
12.C.Loganathan
13.A.Mulraj

... Petitioners

Versus

1.Union of India, Rep by,
The Assistant Sub-Inspector,
Railway Protection Force,
Thiruvannamalai.
Crime No.1343/2016.

2.R.Ganesan,
Assistant Sub-Inspector,
Railway Protection Force, (RPF),
Thiruvannamalai.

... Respondents



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PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in STC.No.524 of 2018 pending on the file of the Judicial Magistrate No.1, Thiruvannamalai, in Crime No.1343 of 2016 on the file of the Assistant Sub-Inspector, Railway Protection Force, Thiruvannamalai and quash the charge sheet pending against the petitioners.

For Petitioner : Mr.N.R.Elango, Senior Counsel
for Mr.S.Silambuselvan

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.524 of 2018, on the file of the Judicial Magistrate Court No.I, Thiruvannamalai, for offence under Sections 147 and 174(1) of Railways Act, 1989.

2.The allegations against the petitioners in the final report is that the petitioners along with others unlawfully assembled and made protest for constituting Cauvery Management Board as per the judgment of the Hon'ble Apex Court and suddenly squatted on the centre of the railway



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track and obstructed the train. Hence, the 1st respondent Police has registered a case in Crime No.1343 of 2016, for offence under Sections 147 and 174(1) of Railways Act, 1989. On completion of investigation, charge sheet has been filed before the learned Judicial Magistrate No.I, Thiruvannamalai.

3.Heard the learned Senior Counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the 1st respondent Police.

4.In this case, the charge sheet has been filed against the petitioners and others for offence under Sections 147 and 174(1) of Railways Act, 1989. If any person willfully obstructs or prevents any railway servant in the discharge of his duties, will be punishable under Section 146 of the Railways Act, 1989. Similarly, Section 174 of the Railways Act, 1989 deals with obstructing running of train by any person.



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5.On perusal of the entire charge sheet, it is seen that a group of 500 people assembled and squatted in the centre of the railway track and made protest demanding to constitute Cauvery Management Board as per the judgment of the Hon'ble Apex Court. Though they made such democratic protest, their act will not amount to trespass and obstruct running train. Further, the final report has been filed merely indicating that a group of 500 people gathered and made a protest. Except naming few, their identity has not been established.

6.In such view of the matter, forcing the entire accused to face the trial, without proper identity, is futile exercise on the part of the prosecution. The entire allegations made in the charge sheet, even if taken at face value, do not *prima facie* constitute any offence or make out a case against the accused.

7.Accordingly, this Criminal Original Petition is allowed and the proceedings in S.T.C.No.524 of 2018 on the file of the Judicial Magistrate Court No.I, Thiruvannamalai, is quashed against all the accused named in



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the final report. Consequently, the connected Miscellaneous Petition is closed.

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Index: Yes/No

Internet: Yes/No

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To

1.The Judicial Magistrate Court No.I,
Thiruvannamalai.

2.The Assistant Sub-Inspector,
Railway Protection Force,
Thiruvannamalai.

3.The Public Prosecutor,
High Court, Madras.



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N.SATHISH KUMAR, J.

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