



Crl.O.P.No.2446 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2446 of 2024
and Crl.M.P.Nos.1733 and 1734 of 2024

1.Selvaraj
2.Duraisamy
3.T.D.K.Sithik
4.E.Thagaraj
5.R.Krishnan
6.Vinothkumar
7.M.Dhanaraj
8.Muthusamy
9.Eishwaran
10.Senthilkumar

... Petitioners

Vs.

Union of India
rep.by Sri.Shared Kumar Suman
Inspector, Railway Protection Force, Tirupur.

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the CC.No.2390/2023 pending on the file of the learned Judicial Magistrate No.1, Coimbatore and quash the same.

For Petitioners : Mr.N.R.Elango, Senior Counsel
for Mr.A.S.Aswin Prasanna



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For Respondent : Mr.A.Kumaraguru
Senior Panel Counsel

ORDER

Mr.A.Kumaraguru, learned Senior Panel Counsel takes notice on behalf of the respondent. The issue involved in the present petition is covered by the earlier order passed by this Court in Crl.O.P.Nos.19588 of 2022 and 4309 of 2023 dated 03.08.2024

2. The case of the prosecution is that on 05.04.2018 at about 10.22 hours, a group of persons belonging to various political parties assembled and entered into the Tirupur railway station without any authorization and had squatted in the railway track and thereby obstructed the movement of the trains. They started raising slogans against the Central Government and demanded for the formation of the Cauvery River Board. Subsequently, the persons who indulged in agitation were arrested by the local police. In view of this, there was total disruption in the movement of trains till 11.00 hours.



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3. A complaint was given in this regard and an FIR came to be registered in Cr.No.303 of 2018. Ultimately, the final report has been filed on the complaint for the offence under Sections 174(a) and 147 of the Railway Act. The final report was filed as against 12 accused persons. The same has been put to challenge in this quash petition.

4. For the very same set of facts, this Court passed an order in Crl.O.P.Nos.19588 of 2022 and 4309 of 2023 dated 03.08.2024 and this Court also took into consideration the earlier order passed in Crl.O.P.No.10471 of 2022 dated 28.06.2022. The relevant portions are extracted hereunder:

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.



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5. In view of the above discussion, the continuation of proceedings as against the accused persons will result in abuse of process of Court which requires the interference of this Court under Section 482 of Cr.P.C. Accordingly, the proceedings in CC.No.2390/2023 pending on the file of the learned Judicial Magistrate No.1, Coimbatore, against the petitioners, is quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

09.02.2024

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order

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To

- 1.The Judicial Magistrate No.1, Coimbatore
- 2.Sri.Shared Kumar Suman,
Union of India
Inspector, Railway Protection Force, Tirupur.
- 3.The Public Prosecutor,
High Court, Madras.

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