



CrI.O.P.No.4701 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.4701 of 2025
and CrI.M.P.No.3022 and 3023 of 2025

M. Sivakumar

... Petitioner

Vs.

1. The Union of India

Rep. by the Assistant Sub-Inspector of Police,
Railway Protection Force,
Thiruvannamalai District.
(R.A.Crime No.1345 of 2016)

2. R. Ganesan

... Respondents

PRAYER: The Criminal Original Petition is filed under Section 528 of B.N.S.S. to call for the records in S.T.C.No.525 of 2018 on the file of the Judicial Magistrate No.I, Thiruvannamalai and to quash the same.

For Petitioner : Mr.S.Arun Kumar



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.525 of 2018 on the file of the Judicial Magistrate No.I, Thiruvannamalai, under Sections 174(a) and 147 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 tract and obstructed the train. Hence, the first respondent Police has registered a case in Crime No.1345 of 2016 for the offence under Sections 174(a) and 147 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 counsel appearing for the petitioner and perused the materials placed before this Court.



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4. In this case, the charge sheet has been filed against the petitioner and others for offence under Sections 174(a) and 147 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.

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



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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.525 of 2018 on the file of the Judicial Magistrate No.I, Thiruvannamalai, is quashed against all the accused named in the final report. Consequently, connected Miscellaneous Petitions are closed.

20.02.2025

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To

1. The Judicial Magistrate No.I,
Thiruvannamalai.
2. The Assistant Sub-Inspector of Police,
Railway Protection Force,
Thiruvannamalai District.
3. The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.



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G.K.ILANTHIRAIYAN, J.

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