



Crl.O.P.No.7532 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2025

CORAM:

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

Crl.O.P.No.7532 of 2025

and Crl.M.P.No.4841 of 2025

Tamilmani

.... Petitioner

VS

1. Union of India rep.by
P.Murugesan
Assistant Sub-Inspector
Railway Protection Force,
Podanur, Southern Railway,
Coimbatore.
(Crime No.9 of 2018)

2. Kana Ram Yadav

..... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C.No.281 of 2018 on the file of learned Judicial Magistrate No.I, Coimbatore and quash the same.

For Petitioner : Mr.N.Ponraj



Crl.O.P.No.7532 of 2025

WEB COPY

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.281 of 2018 on the file of the Judicial Magistrate No.I, Coimbatore for offence under Sections 147 and 174(a) of the Railway Act, 1989.

2. The allegations against the petitioner in the final report is that the petitioner 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 in front of train No.66602 passenger (Ex CBE-SA) and obstructed the train. Hence, the 2nd respondent has registered a case in Crime No.9 of 2018, for offence under Sections 147 and 174(a) of Railways Act, 1989. On completion of investigation, charge sheet has been filed before the learned Judicial Magistrate No.I, Coimbatore.

3. Heard the learned counsel appearing for the petitioner.



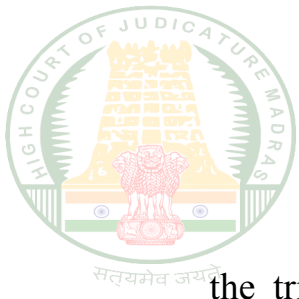
Crl.O.P.No.7532 of 2025

WEB COPY

4. In this case, the charge sheet has been filed against the petitioner and others for offence under Sections 147 and 174(a) 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 160 people assembled and squatted in front of train No.66602 passenger (Ex CBE-SA) raising slogans against the Central Government for not forming Cauvery River Management Board 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 160 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



CrI.O.P.No.7532 of 2025

WEB COPY

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 C.C.No.281 of 2018 on the file of the Judicial Magistrate Court No.I, Coimbatore, is quashed against the accused and others named in the final report. Consequently, connected Miscellaneous Petition is closed.

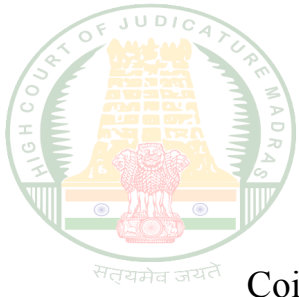
14.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
kkd

To

1. Assistant Sub-Inspector
Railway Protection Force,
Podanur, Southern Railway,

Page 4 of 6



Crl.O.P.No.7532 of 2025

Coimbatore.
WEB COPY

2. The Judicial Magistrate No.I,
Coimbatore.
4. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

kkd



WEB COPY



Crl.O.P.No.7532 of 2025

Crl.O.P.No.7532 of 2025

14.03.2025