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Crl.O.P.No.10899 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10899 of 2025

and

Crl.M.P.No.7232 of 2025

1. Nehrudoss
2. Prabakaran
3. Loganathan
4. Sadasivam
5. Sathyapalan

... Petitioners

Vs

The State
Rep. through Sub Inspector of Police,
Railway Protection Force,
Coimbatore.

... Respondent

Criminal Original Petition is filed under Section 528 of B.N.N.S., to call for the records relating to the charge sheet filed in C.C.No.264 of 2015 pending on the file of the Judicial Magistrate Court No.1, Coimbatore and quash the same.

For Petitioners : Mr.D.Arun
For Respondents : Mr.A.Gopinath,
Government Advocate (Crl.Side) (for R1)



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ORDER

This petition has been filed to quash the charge sheet in C.C.No.264 of 2015 on the file of the Judicial Magistrate Court No.1, Coimbatore.

2. The case of the prosecution is that on 01.06.2015 at 15:25 hours, the petitioners, along with other accused persons belonging to various organizations, allegedly entered the front of the Sathabdi Express, which was running between Coimbatore and Chennai, and staged a rail-roko against the ban on the Ambedkar Periyar Study Circle, allegedly after an anonymous complaint to the Central Government. The accused persons, belonging to various organizations, including men and women, were attempting to stage a blockade by shouting slogans condemning the State and the Central Government for their stand to curb freedom of expression, taken by the institution. The Union Government's action was most disheartening. This incident displays a clear, unwarranted interference by the Union Government in the running of an educational institution. The



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police intervened and asked them to disperse from there, but without heeding to that, they sat on the track and demanded the lifting of the ban on the study circle and raised slogans. Hence, the complaint.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) appearing for the first respondent and perused the materials available on record.

4. The issue in hand is clearly covered by the earlier Order passed by this Court under similar circumstances in CrI.OP.No.10471 of 2022, dated 28.6.2022. For proper appreciation, the relevant portions in the order are extracted hereunder:-

“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 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



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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.

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.



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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.”

5. In the light of the above, the continuation of the proceedings as against the accused persons will result in an abuse of process of Court. Therefore, this Court is inclined to quash the entire proceedings. Accordingly, the impugned proceeding in C.C. No. 264 of 2015 on the file of the Judicial Magistrate Court No. 1, Coimbatore, is hereby quashed.

6. In the result, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

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Index: Yes/No
Neutral Citation: Yes/No
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To

1. The Sub Inspector of Police,
Railway Protection Force,
Coimbatore.
2. The Judicial Magistrate Court No.1, Coimbatore.
3. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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