



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

WRIT PETITION NO. 32 OF 2026 (GM-RES)

BETWEEN:

SRI MOHAMMED HARIS NALAPAD,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

...PETITIONER

(BY SRI SPARSH SHETTY, ADVOCATE)

AND:

STATE BY SGWF POST P.S. (RPF)
REPRESENTED BY SPP,
HIGH COURT UNIT,
BENGALURU – 560 001.

...RESPONDENT

(BY SRI. B.N.JAGADEESHA, ADD.SPP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA READ WITH
SECTION 528 OF BNSS, 2023, PRAYING TO QUASH THE
ENTIRE PROCEEDINGS IN C.C.NO.32925/2022



(ANNEXURE-A) PENDING BEFORE THE COURT OF XLI ADDL. CHIEF METROPOLITAN MAGISTRATE COURT, BENGALURU, FOR THE ALLEGED OFFENCE PUNISHABLE U/S 145(C), 147, 154 AND 174(a) OF THE RAILWAYS ACT, 1989, ARISING OUT OF THE CHARGE SHEET FILED BY THE RESPONDENT NO.1 SGWF POST POLICE STATION RAILWAY PROTECTION FORCE IN CRIME NO. 776/2022 SO FAR AS THE PETITIONER IS CONCERNED.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioner is before this Court calling in question the proceedings in C.C.No.32925/2022 registered for the offences punishable under Sections 145(c), 147, 154 and 174(a) of the Railways Act, 1989.

2. Heard Sri Sparsh Shetty, learned counsel appearing for the petitioner, Sri.B.N.Jagadeesha, learned Addl. SPP appearing for the respondent and have perused the material on record.



3. Facts in brief, germane, are as follows:

At 1:30 p.m., on 27.07.2022, the accused members of the Congress party were present at platform No.3 at Whitefield railway station, raising slogans against the Central Government on certain policy issues. The petitioner and others are said to be indulging in a peaceful demonstration. The demonstrators therein squat in front of train No.01773 which was Bangarpet-KSR, Bengaluru, resulting in detention of the train for approximately 39 minutes. The station master of the Whitefield Railway Station informs the Railway Protection Force to register a complaint, which becomes a crime in Cr.No.776/2022 for the afore-quoted offences. Investigation is conducted and the Railway Protection Force file a charge sheet against the petitioner and others, and on 19.11.2022, the concerned Court takes cognizance of the afore-quoted offences. Taking of cognizance and issuance of a non-bailable warrant against the petitioner has driven the petitioner to this Court in the subject petition.



4. Learned counsel Sri Sparsh Shetty appearing for the petitioner would vehemently contend that the invocation of Section 154 of the Railways Act is solely misconceived as the complaint nor the chargesheet alleges any act resulting in endangering the safety of the passengers or damage to railway tracks. All that the petitioner is alleged to have done along with others is squatting on the railway track which delayed the train by 39 minutes. In the absence of any allegation of endangering any passengers safety or damage to the railway equipment, the cognizance being taken is without application of mind and contrary to law. He seeks to rely upon the judgment rendered by the High Court of Himachal Pradesh in the case of **DIWAKAR DEV SHARMA AND OTHERS v. GOVERNMENT RAILWAY POLICE STATION AND ANOTHER¹**.

5. *Per contra*, learned Addl. SPP Sri. B.N.Jagadeesh appearing for the respondent would vehemently refute the submission in contending that the petitioner in fact did squat over the railway track. Therefore, it is for them to come out clean in a full blown trial.

¹ Cr.MMO No.902 of 2022, disposed on 26.04.2023



6. I have given my anxious consideration to the submissions made by learned counsel for the parties and have perused the material on record.

7. The afore-narrated facts are not in dispute. Since the entire issue has now triggered from the complaint, which in fact triggered from a spot mahazar, reads as follows:

"8 Brief fact of the case: -

On 27.07.2022 at about 13.34hrs Station Master/Whitefield Railway station informed that an about 20 congress members under the leadership of Shri Mohammed Haris Nalpad S/O Harris Nalpad, state President Karnataka Pradesh youth congress committee arrived on PF No- 3 of Whitefield Railway station and squatted in front of Tr. No. 01773 Ex: Bangarpet- KSR Bengaluru by sloganeering against Central Government about its bias against the congress leaders and the policies of the central government and further climbed on the engine of the said train and obstructed the movement of the train. On receipt of information, SIPF/RPF/Devangonhi(DKN), ASI/RPF/Satellite Goods Terminal (SGWF) and staffs along with local police and GRP/Bangaluru Cantonment staffs attended the spot and removed the agitators from the track and cleared the track for the movement of the train and the said train left the Whitefield station at 14.12hrs. Due to this the said train suffered detention for 39minutes. In this regard, ASI/RPF/Satellite Goods Terminal prepared a Joint Observation Mahazar duly taken photographs and video of the agitators and agitation. On the basis of the complaint received from Station Master/Whitefield, Shri K S Suresh ASIPF/SGWF registered a case in Satellite Goods Terminal-Out Post



vide Cr No-776/2022, u/s 147, 145(C), 154 & 174(a) of Railway Act and took up further enquiry."

8. The railway protection force conducts investigation. Investigation leads to the filing of the charge sheet before the concerned Court. The concerned Court takes cognizance of the aforesaid offences. The order of taking of cognizance reads as follows:

"The Sub-Inspector, RPF of SGWF Post PS, South western Railways, Bengaluru, has filed charge sheet. I have perused the Charge Sheet. There are prima facie materials to proceed against the accused for the offences P/U/S 145(c) 147, 154 and 174(a) Railways Act-1989 Amended 2003.

Hence, cognizance is taken U/s 190 of Cr.P.C for the offences P/U/S 145(c) 147, 154 and 174(a) of Railways Act-1989 Amended 2003 against accused No.1 to 5. Office is directed to register this case as Crl.Case.

Accused No.1 to 5 are not arrested.

Issue summons to accused No.1 to 5.

Returnable by 22.12.2022."

9. The order of taking of cognizance for the offences as aforesaid does not inspire even a semblance of confidence apart from the fact that none of the ingredients of Section 154 nor Section 174(a) of the Railways Act are met in the case at hand. In identical circumstances of identical offences, the High



Court of Himachal Pradesh in the case of **DIWAKAR DEV**

SHARMA (*supra*) has held as follows:

" "

29. Mr. Vishal Panwar, learned Additional Advocate General invited attention of this Court to S.174 of the Indian Railways Act, 1989, which is reproduced herein below:

"174. Obstructing running of train, etc.—If any railway servant (whether on duty or otherwise) or any other person obstructs or causes to be obstructed or attempts to obstruct any train or other rolling stock upon a railway,—

- (a) **by squatting or picketing or during any Rail roko agitation or bandh; or**
- (b) **by keeping without authority any rolling stock on the railway; or**
- (c) **by tampering with, disconnecting or interfering in any other manner with its hose pipe or tampering with signal gear or otherwise, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both."**

30. No doubt, as per aforesaid provision of law, a person shall be punished with imprisonment for a term not exceeding two years on account of his having obstructed railway track, but if the averments contained in the FIR sought to be quashed in the instant proceeding, are perused in their entirety, there is no specific allegation that the persons named in the FIR obstructed passage of train rather, they came on the spot to lodge protest against death of a local person but thereafter, they disbursed after being assured by the authorities of Railways and the State i.e. Sub Divisional Magistrate that necessary provision of overhead bridge shall be made.



31. Leaving everything aside, this court having taken note of the material placed on record alongwith final report filed under S.173 CrPC, has no hesitation to conclude that the alleged incident of obstructing railway track happened on account of emotional outburst on account of death of a local person and none of the agitators including the petitioners had any kind of intention to obstruct the railway track or cause damage to public property but since their repeated requests were not paid any heed by the railway administration or district administration, after death of one person, petitioners gathered to agitate against railway administration."

(Emphasis supplied)

In the light of the ingredients of the offence being completely absent and the order of cognizance bearing no application of mind, as also the issue being considered by High Court of Himachal Pradesh, to which I am in respectful agreement of, the petition deserves to succeed.

10. For the aforesaid reasons, the following:

ORDER

[I] Writ Petition is **allowed**.

[II] Proceedings in C.C.No.32925/2022 pending before the Court of XLI Addl. Chief Metropolitan



Magistrate Court, Bengaluru, *qua* the petitioner,
stands quashed.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

CBC
List No.: 2 SI No.: 73