



W.P(MD)No.436 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.436 of 2024

C.Parthasarathy Raja

... Petitioner

Vs

**1. The Superintendent of Police,
O/o. Superintendent of Police,
Dindigul District.**

**2. The Sub Inspector of Police,
Nilakottai Police Station,
Dindigul District.**

3. Aasai Raja,

4. Selvi.A,

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to conduct the enquiry based on Section 154 (3) CRPC on the petitioner's complaint dated 13.12.2023 and consider the same within a time frame as may be fixed by this Court.



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For Petitioner : Mr.M.Iniyavan
For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

The learned Counsel for the Petitioner seeks permission of this Court to withdraw this Petition and he has also made an endorsement to that effect.

2.In view of the endorsement made by the learned Counsel for the Petitioner, this Petition is dismissed as withdrawn.

3.The Hon'ble Supreme Court in *Sarguja Transport Service vs State Transport Appellate Tribunal and others*, reported in (1987) 1 SCC 5, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action. Only if the right to sue for the same cause of action is reserved before seeking dismissal of the suit/Writ Petition as not pressed, he/she can file a fresh Petition. In such cases, if the Writ Petition/suit/Original Petition had been dismissed as withdrawn, the Petitioner in such a case,



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loses his/her right to file a fresh Writ Petition on the same cause of action.

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Index :Yes/No
Internet: Yes/No
LR

To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Dindigul District.

2. The Sub Inspector of Police,
Nilakottai Police Station,
Dindigul District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

LR

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