



Crl.O.P.(MD) No.658 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.658 of 2024

and

CrI.M.P.(MD) No.394 of 2024

Ramasundaram

...Petitioner

VS

**The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
Crime No.8 of 2022**

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to set aside the order passed in CrI.M.P.No.959 of 2023 in Spl.S.C.No.136 of 2023 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul dated 06.12.2023.

For Petitioner : Mr.C.K.M.Appaji

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.



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2.In view of the endorsement made by the learned Counsel for the Petitioner, this Petition is dismissed as withdrawn.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

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Appellate Tribunal and others***, reported in (1987) 1 SCC 5, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action.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 In such cases, if the Writ Petition/suit/Original Petition had been dismissed as withdrawn, the Petitioner in such a case, loses his/her right to file a fresh Writ Petition on the same cause of action.

Internet:Yes./No
Index:Yes/No
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18.03.2024



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To

WEB COPY

- 1.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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SATHI KUMAR SUKUMARA KURUP, J.

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