



Crl.O.P.(MD).No.805 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 31.01.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD).No.805 of 2024

S.Sahaya Michael Remijiyas

... Petitioner

Vs.

1.The Inspector of Police,
Asaripallam Police Station,
Asaripallam,
Kanniyakumari District.

2.J.Rajasekar

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the first Respondent to comply with the order dated 30.05.2023 passed in Crl.M.P.No.2019 of 2023 on the file of the learned Judicial Magistrate No.I, Nagercoil.

For Petitioner : Mr.N.Pragalathan

For R-1 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

When the matter was taken up for hearing, the learned Counsel appearing on behalf of the Petitioner seeks permission of this Court to withdraw this Petition. He also made an endorsement to that effect.



Crl.O.P.(MD).No.805 of 2024

WEB COPY

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 Hence, permission is granted and accordingly, this Criminal Original Petition is dismissed as withdrawn.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Appellate Tribunal and others*, reported in (1987) 1 SCC 5, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action.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 In such cases, if the Writ Petition/suit/Original Petition had been dismissed as withdrawn, the Petitioner in such a case, loses his/her right to file a fresh Writ Petition on the same cause of action.

31.01.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



Crl.O.P.(MD).No.805 of 2024

To

WEB COPY

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



WEB COPY



Crl.O.P.(MD).No.805 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Crl.O.P.(MD).No.805 of 2024

31.01.2024