



CrI.O.P.(MD)No.828 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.(MD)No.828 of 2024

R.Arunkumar

... Petitioner

Vs.

1. The Superintendent of Police,
Pudukottai District.

2. The Inspector of Police,
Keeranur Police Station,
Pudukkottai District.

3. M.Nagarethinam

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the Respondents to give police protection to the Petitioner's jewelry shop as per the Representation dated 03.01.2024.

For Petitioner : Mr.K.Rajesh Kanna

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor



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ORDER

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The learned counsel appearing for the petitioners seeks permission of this Court to withdraw the petition and he has also circulated a letter dated 21.02.2024 to the Registry to that effect.

2.Hence, permission is granted and accordingly, this Criminal Original Petition is dismissed as withdrawn.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Appellate Tribunal and others*, reported in (1987) 1 SCC 5, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action.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 In such cases, if the Writ Petition/suit/Original Petition had been dismissed as withdrawn, the Petitioner in such a case, loses his/her right to file a fresh Writ Petition on the same cause of action.

23.02.2024

Index : Yes/No

Internet: Yes/No

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<https://www.mhc.tn.gov.in/judis>



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To

1. The Superintendent of Police,
Pudukottai District.
2. The Inspector of Police,
Keeranur Police Station,
Pudukkottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.,

jbr

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