



Crl.O.P.(MD)No.1608 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD)No.1608 of 2023

and

Crl.M.P.(MD)No.1395 of 2023

Karthick @ Karthick Kumar

... Petitioner

Vs.

1. The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.

2. Charlathee

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in Crime No.1034 of 2019 on the file of the Inspector of Police, Avaniyapuram Police Station, Madurai District and quash the same against the Petitioner in the interest of justice.



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For Petitioner : Mr.C.R.M.Prabhu

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)

ORDER

The learned counsel appearing for the petitioners seeks permission of this Court to withdraw the petition and he has also circulated a letter dated 19.02.2024 to the Registry to that effect.

2.Hence, permission is granted and accordingly, this Criminal Original Petition is dismissed as withdrawn.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Appellate Tribunal and others*, reported in (1987) 1 SCC 5, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action.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 In such cases, if the Writ Petition/suit/Original Petition had been dismissed as withdrawn, the Petitioner in such a case, loses his/her right to file a fresh



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Writ Petition on the same cause of action.

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Index : Yes/No

Internet: Yes/No

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To

1. The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.
2. 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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