



Crl.O.P.(MD)No.1528 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD)No.1528 of 2024

C.Ramakant

...Petitioner

Vs.

1. The Additional Superintendent of Police (ADSP)
Cyber Crime,
O/o. the District Superintendent of Police,
2nd Floor, Surveyor Colony,
Madurai - 625 007.

2. The Inspector of Police,
Cyber Crime,
O/o. the District Superintendent of Police,
2nd Floor, Surveyor Colony,
Madurai - 625 007.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the Respondents to send communication to Yes Bank, Matunga Branch, Mumbai, Maharashtra to De-freeze his bank account bearing Account No.073563300003486 which was freeze in connection with the case in Crime No.79 of 2022 dated 23.12.2022 on the file of the second Respondent by considering the Petitioner's representation dated 05.01.2024 within time stipulated by this Court.



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For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.M.Veeranthiran
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2.In view of the endorsement made by the learned Counsel for the Petitioner, this Petition is dismissed as withdrawn.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Appellate Tribunal and others***, reported in ***(1987) 1 SCC 5***, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action.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



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such cases, if the Writ Petition/suit/Original Petition had been dismissed as withdrawn, the Petitioner in such a case, loses his/her right to file a fresh Writ Petition on the same cause of action.

14.02.2024

Index : Yes/No

Internet: Yes/No

jbr

To

1. The Additional Superintendent of Police (ADSP)
Cyber Crime,
O/o. the District Superintendent of Police,
2nd Floor, Surveyor Colony,
Madurai - 625 007.
2. The Inspector of Police,
Cyber Crime,
O/o. the District Superintendent of Police,
2nd Floor, Surveyor Colony,
Madurai - 625 007.
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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