



Crl.O.P.(MD).No.1391 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.01.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD).No.1391 of 2024

V.Kannan

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Othakkadai Police Station,
Madurai District.

3.Latha

4.Muthulakshmi

5.Nirmal Kumar

6.Anusha

7.Thadikumar

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the first Respondent to instruct the second Respondent not to harass the Petitioner in the name of enquiry.

For Petitioner : Mr.K.S.Durai Pandian

For R-1 and R-2 : Mr.T.Senthil Kumar
Additional Public Prosecutor



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ORDER

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When the matter was taken up for hearing, the learned Counsel appearing on behalf of the Petitioner seeks permission of this Court to withdraw the Writ Petition. He also made an endorsement 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 Hence, permission is granted and accordingly, this Criminal Original Petition is dismissed as withdrawn.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Transport Appellate Tribunal and others*, reported in (1987) 1 SCC 5, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action.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 In such cases, if the Writ Petition/suit/Original Petition had been dismissed as withdrawn, the Petitioner in such a case, loses his/her right to file a fresh Writ Petition on the same cause of action.

31.01.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

<https://www.mhcnagpur.gov.in/judis>



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- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
- 2.The Inspector of Police,
Othakkadai Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

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