



Crl.O.P.(MD).No.1802 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.02.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD).No.1802 of 2024

Kathiresan

... Petitioner

Vs.

The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent police to register FIR in accordance with the order passed by the learned Judicial Magistrate, Nilakottai in Cr.M.P.No.7610 of 2023 dated 24.11.2023.

For Petitioner : Mr.M.E.Ilango

For Respondent : 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.



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 Hence, permission is granted and accordingly, the Criminal Original Petition is dismissed as withdrawn.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Appellate Tribunal and others*, reported in (1987) 1 SCC 5, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action.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 In such cases, if the Writ Petition/suit/Original Petition had been dismissed as withdrawn, the Petitioner in such a case, loses his/her right to file a fresh Petition on the same cause of action.

07.02.2024

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



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To

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- 1.The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
- 2.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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