



CrI.O.P.(MD) No.2213 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P. (MD) No.2213 of 2024

G.Jayamani

... Petitioner

vs.

**1.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.**

**2.The Inspector of Police,
East Police Station,
Virudhunagar District.**

3.M.Mahendramani

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Respondents 1 and 2 to give police protection to the life and limb of petitioner and his family members and further not to disturb the peaceful business of the petitioner by indulging in any unlawful activities in accordance with law.



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For Petitioner : Mr.S.Karthikeyan
For R1 and R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

In the morning mentioning time, the learned Counsel for the Petitioner submits that the subject matter of the Criminal Original Petition had been amicably settled. Therefore, the learned Counsel for the Petitioner sought permission of this Court to withdraw the petition and also made an endorsement to that effect on the case records.

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 In view of the endorsement made by the learned Counsel for the Petitioner, this Petition is dismissed as withdrawn.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Appellate Tribunal and others*, reported in (1987) 1 SCC 5, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action.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



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 In such cases, if the Writ Petition/suit/Original Petition had been dismissed as withdrawn, the Petitioner in such a case, loses his/her right to file a fresh Writ Petition on the same cause of action.

22.02.2024

Internet:Yes/No

Index:Yes/No

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To

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

2.The Inspector of Police,
East Police Station,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SATHI KUMAR SUKUMARA KURUP, J.

LS

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