



CrI.O.P.(MD)No.2827 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.(MD)No.2827 of 2024

and

CrI.M.P.(MD)No.2198 of 2024

Baskar

... Petitioner

Vs.

1. The Inspector of Police,
Fort Police Station,
Trichy City.
(Crime No.313 of 2018)

2. Manikandan
The Inspector of Police,
Fort Police Station,
Trichy City.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in F.I.R connection with Crime No.313 of 2018 on the file of the first Respondent police and quash the same.



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For Petitioner : Mr.K.M.Karunakaran

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2.In view of the endorsement made by the learned Counsel for the Petitioner, this Petition is dismissed as withdrawn.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Appellate Tribunal and others***, reported in ***(1987) 1 SCC 5***, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action.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



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withdrawn, the Petitioner in such a case, loses his/her right to file a fresh

Writ Petition on the same cause of action.

23.02.2024

Index : Yes/No

Internet: Yes/No

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To

1. The Inspector of Police,
Fort Police Station,
Trichy City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.,

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