



Crl.OP(MD).No.2959 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **04.03.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

Crl.OP(MD).No.2959 of 2024

1.Irulappan

2.Siva

3.Krishnamoorthy

4.Samuthiram @ Samuthirapandian

... Petitioners

/vs./

1.The Deputy Superintendent of Police,
Kovilapatti Sub-Division,
Kovilpatti,
Thoothukudi District.

2.The Inspector of Police,
Kazhugumalai Police Station,
Thoothukudi District.
(Crime No.31 of 2024)

3.Prasanth

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Special Court (PCR) Exclusive Court for Trial of SC/ST Act, Tuticorin, Tuticorin District to accept the surrender of the



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Petitioners and consider the Bail application of the Petitioners on the same day on merits in the event of their surrender in connection with Crime No.31 of 2024 on the file of the second Respondent Police.

For Petitioners : Mr.K.A.Raamakrishnan

For R-1 and R-2 : Mr.B.Thanga Aravindh
Government Advocate
(Criminal Side)

ORDER

The petitioner has instructed his Counsel to withdraw the petition. Accordingly, the learned counsel appearing for the Petitioner seeks permission of this Court to withdraw this petition. He also made an endorsement to that effect.

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 Hence, permission is granted and accordingly, the Criminal Original Petition is dismissed as withdrawn.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Transport Appellate Tribunal and others*, reported in (1987) 1 SCC 5, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action.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



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 In such cases, if the Writ Petition/suit/Original Petition had been dismissed as withdrawn, the Petitioner in such a case, loses his/her right to file a fresh Petition on the same cause of action.

04.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Nsr

TO:

- 1.The Special Court (PCR) Exclusive Court for Trial of SC/ST Act,
Tuticorin,
Tuticorin District.
- 2.The Deputy Superintendent of Police,
Kovilapatti Sub-Division,
Kovilpatti,
Thoothukudi District.
- 3.The Inspector of Police,
Kazhugumalai Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
Crl.OP.(MD).No.2959 of 2024

Dated:
04.03.2024