



Crl.O.P.(MD)No.11001 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.03.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD)No.11001 of 2023

P.Balagurunathan

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Vilathikulam,
Thoothukudi District.

2. The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.

3. B.Kesavan

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to issue a direction to transfer the investigation to some other agency to conduct further enquiry on the complaint made by the Petitioner dated 09.07.2022 on the file of the second Respondent within time stipulated by this Court.

For Petitioner : Mr.I.Pinayagash

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



Crl.O.P.(MD)No.11001 of 2023

ORDER

WEB COPY

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2.In view of the endorsement made by the learned Counsel for the Petitioner, this Petition is dismissed as withdrawn.

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Appellate Tribunal and others*, reported in (1987) 1 SCC 5, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action.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 In such cases, if the Writ Petition/suit/Original Petition had been dismissed as withdrawn, the Petitioner in such a case, loses his/her right to file a fresh Writ Petition on the same cause of action.

01.03.2024

Index : Yes/No

Internet: Yes/No

jbr

<https://www.mhc.tn.gov.in/judis>



Crl.O.P.(MD)No.11001 of 2023

To

WEB COPY

1. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Vilathikulam,
Thoothukudi District.
2. The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.11001 of 2023

SATHI KUMAR SUKUMARA KURUP, J.,

jbr

Crl.O.P.(MD)No.11001 of 2023

01.03.2024