



Crl.OP(MD).No.2868 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **19.03.2024**

CORAM:

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

Crl.OP(MD).No.2868 of 2023

Ramesh Kannan

... Petitioner

/vs./

1.The Inspector of Police,
Thisayanvillai Police Station,
Tirunelveli.
Crime No.138 of 2020.

2.Muthukrishnan

3.Vimal @ Vimalanathan

4.Siva @ Sivanathan

5.Ganesan

6.Kavin Ravi Kumar

7.The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.

... Respondents

*(R-7 is suo motu impleaded vide order dated 28.06.2023
in Crl.O.P.(MD).No.2868 of 2023)*



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Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the case in S.C.No.282 of 2021, pending trial, from the file of the learned 1st Additional District Judge, Tirunelveli to any other nearby District.

For Petitioner : Mr.M.Mano Kumar

For R-1 and R-7 : Mr.M.Veeranthiran
Government Advocate
(Criminal Side)

For R-2, R-5
and R-6 : Ms.C.Geetha

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 and has circulated a letter in this connection.

2. Hence, permission is granted and accordingly, the Criminal Original Petition is dismissed as withdrawn.



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Appellate Tribunal and others*, reported in (1987) 1 SCC 5, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action.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 In such cases, if the Writ Petition/suit/Original Petition had been dismissed as withdrawn, the Petitioner in such a case, loses his/her right to file a fresh Petition on the same cause of action.

19.03.2024

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



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TO:

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- 1.The Inspector of Police,
Thisayanvillai Police Station,
Tirunelveli.
- 2.The Inspector of Police,
Vijayanarayanan Police Station,
Tirunelveli District.
- 3.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.2868 of 2023

Dated:
19.03.2024