



Crl.O.P.(MD) No.19177 of 2023

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.19177 of 2023
and Crl.M.P.(MD)No.15128 of 2023

Vijayalakshmi

... Petitioner

vs.

**1. State rep. by
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(Crime No.410 of 2023)**

2.Saravanan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in connection with Crime No.410 of 2023 on the file of the first Respondent police and to quash the F.I.R insofar as the petitioner is concerned.

For Petitioner : Mr.S.Poornachandran

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

ORDER

Today (22.02.2024), when the matter is taken up for hearing, the learned Counsel appearing for the Petitioner seeks permission of this Court to withdraw this petition and he has also circulated a letter dated 15.02.2024 to that effect.

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 In view of the submission made by the learned Counsel for the Petitioner, this Petition is dismissed as withdrawn.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Appellate Tribunal and others*, reported in (1987) 1 SCC 5, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action.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 In such cases, if the Writ Petition/suit/Original Petition had been dismissed as withdrawn, the Petitioner in such a case, loses his/her right to file a fresh Writ Petition on the same cause of action.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



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To

1. The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.

- 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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