



Crl.O.P.(MD)No.21925 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD)No.21925 of 2023

Seenu

... Petitioner

Vs.

State represented through
the Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.347 of 2022)

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to withdraw the case SC.No.239 of 2022 on the file of the 1st Additional District and Sessions Judge, Thoothukudi, Thoothukudi District and Transfer the same to any Court within the Sessions Division of Tirunelveli District.

For Petitioner : Mr.KA Raamakrishnan

For Respondents : Mr.M.Veeranthiran
Government Advocate (Crl. side)



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ORDER

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2.In view of the endorsement made by the learned Counsel for the Petitioner, this Petition is dismissed as withdrawn.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Appellate Tribunal and others*, reported in (1987) 1 SCC 5, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action.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 In such cases, if the Writ Petition/suit/Original Petition had been dismissed as withdrawn, the Petitioner in such a case, loses his/her right to file a fresh Writ Petition on the same cause of action.

14.02.2024

Index : Yes/No

Internet: Yes/No

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



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To

1. The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.,

jbr

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