



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

**CRL MP No. 9142 of 2026
in Crl.O.P.No.7651 of 2023**

1. S.Nareshkumar
S/o.(Late),Sreenivasaiah, No.280,Himagiri Meadows,
Bannerghatta Road, Bangalore - 560 083

2.S.N.Jithendran
S/o.Mr.Nareshkumar, No.280,Himagiri Meadows,
Bannerghatta Road, Bangalore - 560 083

Petitioner(s)

Vs

1. Home, Prohibition and Excise Department
Kallakurichi Police Station, Kallakurichi - 606 202.

2.Manogarkumarsurana
S/o.Tejrajsurana, Salem Main road, Kallakurichi - 606 201

Respondent(s)

PRAYER

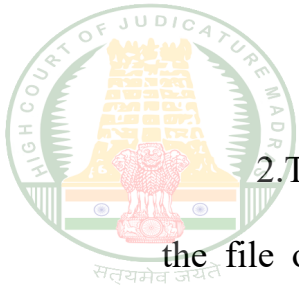
To restore the main petition in Crl.O.P.No.7651/2023 on the file of this Honourable Court which was dismissed for default on 11.03.2026 and thus render justice

For Petitioner(s): Mr.C.Arun Kumar

For Respondent(s): M/S.A. AMARNATH
Government Advocate (CRL. SIDE) FOR R1
Mr.S.N.Subramani - for R2

ORDER

This petition has been filed to restore the main petition in Crl.O.P.No.7651 of 2023 which was dismissed for default on 11.03.2026.



2.The petitioners who are the accused Nos.1 & 2 in CC.No.64 of 2022 on the file of the learned Judicial Magistrate-I, Judicial Magistrate Court No.I, Kallakurichi, for the offences punishable under Sections 294(b), 120B, 506(1), 406, 420 and 467 of IPC have filed quash application before this Court in CrI.O.P.No.7651 of 2023, and also obtained an order of interim stay by order dated 11.04.2023, where the petitioners were represented by M/s.D.Vijaya Babu and Mr.R.Selvakumar, Advocates. Thereafter, when the case was listed on 03.03.2026, the learned counsel for the petitioners informed that there is no instructions from the petitioners and seeks to withdraw their appearance. In view of the same, this Court directed removal of the name of the counsel for the petitioners and to print the name of the petitioners in the cause list and post the case on 05.03.2026. Thereafter, the case was posted on 11.03.2026. On 11.03.2026, there was no appearance for the petitioners. Hence, the case was dismissed for default for non-prosecution on 11.03.2026. Aggrieved by the order of dismissal of default dated 11.03.2026, this petition has been filed.

3.Now the petitioners have filed CrI.M.P.No.9142 of 2026 by counsel Mr.C.Arun Kumar and four others, seeking to restore CrI.O.P.No.7651 of 2023 and to advance their arguments on merits.

4.The learned counsel for the 2nd respondent / defacto complainant



strongly objected to the same stating that due to the stay obtained in the year 2023, the trial in CC.No.64 of 2022 has been stalled and hence the petitioners to be imposed adequate cost and prayed for dismissal of this petition.

5.Considering the above said submissions and the facts and circumstances of the case, Crl.M.P.No.9142 of 2026 is ordered on payment of cost of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** to “**The Madras High Court Advocates Association**”.

6.Learned counsel for the petitioners is directed to serve the petition copies to the learned Government Advocate (Crl.Side) and also to learned counsel for 2nd respondent.

7.Registry is directed to verify the payment and if payment has been made as ordered above, restore Crl.O.P.No.7651 of 2023 and list the same for hearing on 18.06.2026.

08-06-2026

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To

1.Home, Prohibition and Excise Department
Kallakurichi Police Station, Kallakurichi - 606 202.

2.The President,
Madras High Court Advocates Association,
Madras High Court, Chennai.



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M.NIRMAL KUMAR J.

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