



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**CRL OP No. 19258 of 2026
and CRL.MP.No.12813 of 2026**

Daksh Mehta

..Petitioner(s)

Vs

The State of Tamil Nadu,
Represented by the Sub Inspector of Police,
C-5, Kothaval Chavadi Police Station,
Chennai -600 001.
Crime no.173 of 2025.

..Respondent(s)

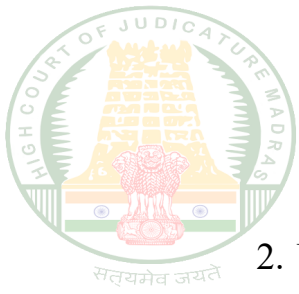
Prayer: This Criminal Original Petition is filed under Section 528 of BNSS, praying to call for the records in STC.No.641 of 2026 on the file of the learned VIII Metropolitan Magistrate Court, George Town, Chennai and Quash the same.

For Petitioner(s): Mr.Varun Vignesh.R

For Respondent(s): Mr.M.Mohamed Riyaz,
Government Advocate (Crl. Side)

ORDER

The prayer in the Criminal Original Petition is to quash the proceedings in STC.No.641 of 2026 on the file of the learned VIII Metropolitan Magistrate Court, George Town, Chennai.



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2. Upon considering the arguments of the learned counsel on either side and perusing the material records of the case, the petitioner being found in possession of electronic cigarettes, totally six packets, a case was registered in Crime No.173 of 2025. After investigation, final report was filed and the same is now taken on file. The final report filed complains of the offence under Section 4 read with Section 7 of the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019.

3. Upon considering all the submissions made by the learned counsel on either side, it can be seen that Section 12 of the Act makes an embargo that no Court can take cognizance of the offence punishable under the Act except upon a complaint in writing made by the authorised officer under the Act. Therefore, even though any Police Officer not below the rank of Sub Inspector is an authorised officer is empowered to take action, the entire action of the respondent Police by registration of FIR and final report cannot be sustained. The private complaint ought to have been filed by the authorised officer.

4. In view thereof, the petitioner is entitled to succeed. At the same time, the petitioner is said to be a young student, aged only 21 years. On a query made by this Court, the learned counsel would submit that the petitioner would



not henceforth use the electronic cigarette in any manner whatsoever and would submit that an affidavit in this regard will also be filed.

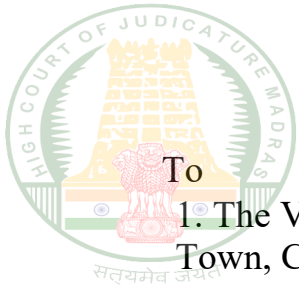
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5. Let the petitioner file an affidavit undertaking that he will not use the electronic cigarette in any manner whatsoever and that, if the petitioner is found to be in possession next time, serious action will be taken.

6. With the above condition to file an affidavit, the proceedings in STC.No.641 of 2026 on the file of the learned VIII Metropolitan Magistrate Court, George Town, Chennai stands quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

21-07-2026

Neutral Citation: No
PVS



To

1. The VIII Metropolitan Magistrate Court, George
Town, Chennai

2. The Inspector of Police
C-5, Kothaval Chavadi Police Station,
Chennai -600 001.
Crime no.173 of 2025.

3. The Public Prosecutor,
High Court, Madras

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D.BHARATHA CHAKRAVARTHY, J.

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