



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.17413 of 2021

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Archana Devi

... Petitioner

Vs

1.The Superintendent of Police,
Theni District,
Theni.

2.The Inspector of Police,
Thenkarai, Periyakulam,
Theni District.

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondents 1 and 2 not to harass the petitioner and consequently, direct the respondents not to interfere with or disturb the peaceful conduct of the petitioner's business offering various health therapies under the name and style of Best Auyurvedic SPA and health SPA, Pavalam theatre near Thenkarai, Periyakulam, Theni District.

For Petitioner : Mr.B.Michel Sebastin
For R1 & R2 : Mr.M.Veeranthiran
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner alleges harassment at the hands of the respondents. The petitioner states that she is running an Ayurvedic Spa in the petition mentioned address. The petitioner has employed qualified therapists. The petitioner's counsel draws my attention to the various orders passed by the by the Principal Seat of this Court in this regard.

3.The learned Government Advocate states that no complaint has been received against the petitioner and no FIR has been registered against the petitioner.

4. This Court, in similar circumstances, following the ratio laid down by this Court in the judgment report in **2015(1) MLJ 308**



[Masti Health and Beauty Private limited & Others V. The Commissioner of Police, Chennai City], disposed of the Writ Petition in W.P.No.9380 of 2016, by order dated 14.03.2016, by directing the respondents-police to comply with the directions/conditions imposed in paragraph 67 of the order in the judgment reported in **2015(1) MLJ 308 (cited supra)** and further made it clear that the petitioner therein under the guise of carrying on business activity shall not indulge in any unlawful or illegal activities detrimental to law and order or public order.

5. Since the issue involved in the present Criminal Petition is identical to the issue involved in W.P.No.9380 of 2016, it is relevant to extract para 67 of the order passed in **2015(1) MLJ 308 (cited supra)**, which reads as follows:-

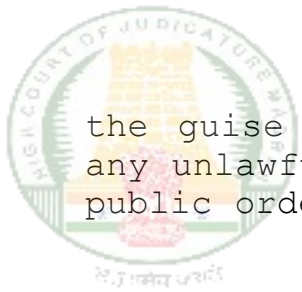
"67.In the light of the above, all the writ petitions are disposed of to the following effect :

(i) The respondents shall not, as a matter of routine and without any basis, conduct any raids and interfere with the business carried on by the petitioners;

(ii) In specific cases where the police have reasonable grounds to believe that an offence punishable under the Immoral Traffic (Prevention) Act has been or is being committed, it is open to the police to take action, after scrupulously following all the steps indicated in Section 15 of the said Act. The steps to be followed are narrated by me in paragraph 28 above; and

(iii) Based upon the laws enacted in various States of the United States of America and Singapore, which I have dealt with in paragraphs 39 to 54, the respondents may take appropriate steps for bringing in either a new legislation or a subordinate legislation in terms of the provisions of the Chennai City Municipal Corporation Act or the Chennai City Police Act, so that public order, decency and morality, which can form the basis for a regulatory law under Article 19(2) of The Constitution, are taken care of. The Government shall file a report on or before 31.3.2015, before this Court, about the decision taken. No costs. Consequently, all connected pending MPs are closed."

6. In the light of the said order, the Criminal Original Petition is disposed of by directing the respondent police to comply with the directions imposed in para 67 of the order as extracted above. It is also made clear that the petitioner under



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the guise of carrying on business activity shall not indulge in any unlawful or illegal activities detrimental to law and order or public order.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Theni District,
Theni.
- 2.The Inspector of Police,
Thenkarai, Periyakulam,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B. MICHEAL SEBASTIN, Advocate (SR-34208[F] dated 11/11/2021)

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RK(29/11/2021) 3P 5C