



WEB COPY



Crl.O.P.No.5311 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 06.03.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.5311 of 2023**

Fairoze

... Petitioner

/vs/

1. The Commissioner of Police- Chennai City,  
EVK Sampath Road, Vepery, Periyamet,  
Chennai – 600 007.
2. The Deputy Commissioner of Police,  
(Triplicane Range), Chennai.
3. The Assistant Commissioner of Police,  
Nungambakkam Range.
4. The Inspector of Police,  
F-4, Thousand Lights Police Station,  
Chennai.

... Respondents

**Prayer :** Criminal Original Petition has been filed under Section 482 of Cr.P.C., to issue direction against the respondent police not to harass the petitioner nor his staff in relation to the running of his restaurant "Mist Cafe & Restaurant" along with Hookah service in No.93, Murugesh Nayakar Complex, Greaves Road, Thousand Lights, Chennai – 600 006 except in accordance with law.



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|                 |     |                                |
|-----------------|-----|--------------------------------|
| For Petitioners | ... | Mr.V.Ramamurthy                |
| For Respondents | ... | Mr.S.Santhosh                  |
|                 |     | Government Advocate (crl.side) |

### **ORDER**

This Criminal Original Petition has been filed seeking direction to the respondent police not to harass the petitioner nor his staff in relation to the running of his restaurant "Mist Cafe & Restaurant" along with Hookah service in No.93, Murugesh Nayakar Complex, Greams Road, Thousand Lights, Chennai – 600 006 except in accordance with law.

2. The learned counsel for the petitioner submitted that petitioner is running "Mist Cafe & Restaurant" along with Hookah service at No.93, Murugesh Nayakar Complex, Greams Road, Thousand Lights, Chennai – 600 006. The petitioner is complying with the guidelines laid down under the **“Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003”** and also the rules laid down in **"The Prohibition of Smoking in Public Places Rules, 2008"**. However, the respondent police is unnecessarily harassing the petitioner's business, necessitating the filing of this petition.

3. The learned Government Advocate (Crl. Side) submitted that



petitioner has not complied with the aforesaid provisions of the Act and Rules. Therefore, FIR in Crime No.247 of 2022 was registered for the offence under Section 24(1) of “Cigarettes and Other Tobacco Products Act, 2003 by the Thousand Lights Police Station and he prays for dismissal of the petition.

4. This Court in Crl.O.P.No.31460 of 2022 on 14.02.2023 observed as follows:

*16. In view of the reasons stated above, this Court disposed this Writ Petition with a direction to the respondent police not to harass the petitioner or his staff and also not to interfere with the petitioner's running of restaurant “Kafe Latte” along with Hookah Service, if the Hookah service is being run confirming the provisions of “Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003” and also the “The Prohibition of Smoking in Public Places Rules, 2008”. If there is violation of any provisions under this Act, it is open to the respondents to take appropriate legal action.*

5. Accordingly, if the petitioner provides Hookah Service confirming



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to the provisions of “Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003” and also to “The Prohibition of Smoking in Public Places Rules, 2008”, respondent police cannot interfere with the Hookah Service provided by the petitioner. If there is violation of any provisions under this Act, it is open to the respondent police to take appropriate legal action.

6. With the above observations and directions, this Criminal Original Petition is disposed of.

**06.03.2023**

Index: Yes/No  
Internet: Yes/No  
Speaking/Non speaking order  
Sma



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**G.CHANDRASEKHARAN, J.**

Sma

To

1. The Deputy Superintendent of Police,  
Pollachi,  
Coimbatore District.
2. State Rep by,  
The Inspector of Police,  
Pollachi East Police Station,  
Coimbatore District.
3. The Public Prosecutor,  
High Court, Madras.

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