



WEB COPY



Crl.O.P.No.6664 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM

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

Crl.O.P.No.6664 of 2023

Mohith Vimal Kumar

... Petitioner

Vs.

1. The Commissioner of Police- Chennai City,
EVK Sampath Road, Vepery, Periyamet,
Chennai-600007.

2. The Assistant Commissioner of Police (Teynampet Range),
Chennai.

3. The Inspector of Police,
E-3, Teynampet Police Station,
Chennai.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to issue a direction to the second and third respondents not to harass the petitioner nor his staffs in relation to the running of his restaurant “Latte” along with Hookah service at Old No.33 New No.4 Ganapathy Colony, 3rd Street, Teynampet, Chennai-600018 except in accordance with law.

For Petitioner : Mr.C.Vidhusan

For Respondents : Mr.S.Santhosh

Government Advocate (Criminal side)



Crl.O.P.No.6664 of 2023

ORDER

This Criminal Original Petition has been filed directing the second and third respondents not to harass the petitioner or his staffs in relation to the running of the restaurant “Latte” along with Hookah service at Old No.33 New No.4 Ganapathy Colony, 3rd Street, Teynampet, Chennai-600018 except in accordance with law.

2. It is the submission of the learned counsel for the petitioner that the petitioner is running a business in the name and style of “Latte”. They also serve Hookah in a designated smoking area to customers above the age of 21 years in accordance with all the guidelines laid down under the Cigarettes and Other Tobacco Products Act. However, the respondents are unnecessarily interfering with the business of the petitioner. Therefore, this petition has been filed.

3. In response, the learned Government Advocate (Crl.Side) submitted that the petitioner has not complied with the provisions under the aforesaid act. Therefore, FIR was registered in Crime No.398 of 2022 under Section 328 of IPC r/w Sections 6(b), 24(1) of COTPA Act, 2003 as against the accused.



Crl.O.P.No.6664 of 2023

4. Considered the submissions and perused the records.

WEB COPY

5. 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.

6. Accordingly, if the petitioner provides Hookah Service confirming 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 "The Prohibition of Smoking in Public Places Rules, 2008", respondent police cannot interfere with the Hookah Service



Crl.O.P.No.6664 of 2023

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.

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

24.03.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order
mn



WEB COPY



Crl.O.P.No.6664 of 2023

G.CHANDRASEKHARAN,J.

mn

To

1. The Commissioner of Police- Chennai City,
EVK Sampath Road, Vepery, Periyamet,
Chennai-600007.
2. The Assistant Commissioner of Police (Teynampet Range),
Chennai.
3. The Inspector of Police,
E-3, Teynampet Police Station,
Chennai.
4. The Public Prosecutor
Madras High Court.

Crl.O.P.No.6664 of 2023

24.03.2023