



Crl.O.P.No.7928 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.7928 of 2023

M/s.FFL Cuisines Private Limited
Represented by its Director Mr.Kartic Ramesh
Ganapat Building, 1st Floor, No. 103,
Nungambakkam High Road,
Chennai – 600 034.

... Petitioner

/vs/

1. The Commissioner of Police,
Chennai City, Chennai – 600 007.
2. The Deputy Commissioner of Police (Triplicane Range),
Chennai.
3. The Assistant Commissioner of Police (Nungambakkam Range),
Chennai.
4. The Inspector of Police,
F-3, Police Station,
Nungambakkam, Chennai.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., to issue direction to the 2nd, 3rd and 4th Respondents not to harass the petitioner M/s. FFL Cuisines Private Limited nor their Staffs in relation to the running of their Restaurant and Bar in the name of "Lord of



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the Drinks" along with Hookah Service at Ganapat Building, 1st Floor, No.103, Nungambakkam High Road, Chennai – 600 034 except in accordance with law.

For Petitioners ... Mr.C.Vidhusan

For Respondents ... Mr.Leonard Arul Joseph Selvam
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed seeking direction to the 2nd, 3rd and 4th Respondents not to harass the petitioner M/s. FFL Cuisines Private Limited nor their Staffs in relation to the running of their Restaurant and Bar in the name of "Lord of the Drinks" along with Hookah Service at Ganapat Building, 1st Floor, No.103, Nungambakkam High Road, Chennai – 600 034 except in accordance with law.

2. The learned counsel for the petitioner submitted that petitioner is running 'Lord of the Drinks' along with Hookah service at Ganapat Building, 1st Floor, No.103, Nungambakkam High Road, Chennai -600 034. 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,**



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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.229 of 2022 was registered for the offence under Sections 20(2) and 21(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



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“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 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.



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Internet: Yes/No
Speaking/Non speaking order
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G.CHANDRASEKHARAN, J.

Sma

To

1. The Commissioner of Police,
Chennai City, Chennai – 600 007.
2. The Deputy Commissioner of Police (Triplicane Range),
Chennai.
3. The Assistant Commissioner of Police (Nungambakkam Range),
Chennai.
4. The Inspector of Police,
F-3, Police Station,
Nungambakkam, Chennai.
5. The Public Prosecutor,
High Court, Madras.

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