



WEB COPY



W.P.No.28213 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.28213 of 2023

M/s.Aariyan Foods,
Rep by its Proprietor,
Mr.Pramod Kumar

... Petitioner

Vs.

1.The Commissioner of Police,
O/o. Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Chennai – 600 007.

2.The Assistant Commissioner of Police,
F-3, Police Station,
Nungambakkam, Chennai – 600 034.

3.The Inspector of Police,
F-3 Police Station,
Nungambakkam, Chennai – 600 034.

... Respondents

Prayer: Writ Petition is filed under Section 226 of Constitution of India, forbearing the respondents for with from interfering with the peaceful conduct of the petitioner's restaurant business carried out in the name and stayle of “18-KAFE” having restaurant with separate smoking area for serving herbal flavor hookah without any content or trace of tobacco/Nicotine.



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For Petitioner : Mr.R.Prabhakaran

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl. Side) R1 to R3

ORDER

The petitioner herein under the garb of providing herbal tobacco in his restaurant seeks protective order from this Court.

2. The law is very clear that prohibited tobacco products cannot be distributed or consumed in public. The judgment cited in this petition, rendered by the Hon'ble Supreme Court is in respect of restriction of smoking in public places. It does not say about hookah and tobacco products being consumed or distributed in the name of herbal products.

3. The blanket order prayed for, which prohibits the police from inspecting the premises of the petitioner cannot be granted, the previous orders of this court without properly considering the guidance given by the Hon'ble Supreme Court does not bind this Court. Therefore, this Criminal



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Original petition is dismissed. Consequently, the connected Miscellaneous
Petition is also closed.

10.10.2023

Index : Yes/No
Neutral Citation : Yes/No
drl

To

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Dr.G.JAYACHANDRAN,J.

drl

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