



WEB COPY



Crl.O.P.No.1219 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.01.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.1219 of 2025

Mr.Mukesh Kumar Prohit

.. Petitioners

versus

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

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

.. Respondents

Prayer: Criminal Original Petition u/s.528 of B.N.S.S . praying to direct the respondents not to harass the petitioner and their staff in relation to the running of Herbal Hookah Services (without any content or trace of Tobacco and Nicotine) in the Restaurant premises namely “M/s.House of Mokka” at No.251/1, TTK Road, Alwarpet, Chennai 600 018.

For Petitioner	:	Mr.Saravanan
For Respondent	:	Mr.S.Vinoth Kumar
		Government Advocate [Crl.Side]



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Crl.O.P.No.1219 of 2025

ORDER

Heard the learned counsel on either side.

2. The petitioner is running a restaurant at No.251/1, TTK Road, Alwarpet, Chennai 600 018. The petitioner is offering a specialised service for the customers. The customers are facilitated to have a smoke by using herbal flavoured hookah.

3. The petitioner counsel categorically asserts that this does not involve use of any banned substance. But, however, the petitioner is facing harassment at the hands of the respondent police. My attention is drawn to Paragraph 4 of the order dated 27.09.2023 passed by this Court in WP No.28395 of 2023 ***[Mr.Mohith Vimal Kumar Vs. The Commissioner of Police and others]***, wherein the learned Judge of this Court has granted relief in the following terms :-

3.The learned Additional Public Prosecutor on instructions submitted that the petitioner is running a restaurant with a separate smoking area for serving herbal



flavored hookah. However, there was a complaint that the hookah also contained tobacco / nicotine and therefore, an inspection was made. The learned Additional Public Prosecutor submitted that if the petitioner continues to have the smoking area only for serving herbal flavored hookah, the respondent police will not interfere with the running of the business. The learned Additional Public Prosecutor submitted that the petitioner must give a specific undertaking that they will not permit the smoking of hookah apart from the herbal flavored hookah.

4.The learned counsel appearing on behalf of the petitioner submitted that such an undertaking has already been given in the affidavit filed in support of the writ petition at Paragraph No.20. It was further submitted that the petitioner is willing to give one more undertaking before the 4th respondent that they will use the smoking area only for serving herbal flavored hookah without any content or trace of tobacco / nicotine.

5.In the light of the above submissions, there shall be a direction to the petitioner to give an undertaking letter before the 4th respondent, to have a separate smoking area for serving herbal flavored hookah without any content or trace



Crl.O.P.No.1219 of 2025

of Tobacco / nicotine. On receipt of the undertaking, the respondents are directed not to interfere with the business of the petitioner. It is made clear that the petitioner will strictly adhere to the undertaking and will not violate it by taking advantage of the order passed in this writ petition.

4. This Criminal Original petition is also disposed of in the very same terms.

17.01.2025

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

rka/gm

G.R.SWAMINATHAN, J

rka/gm



Crl.O.P.No.1219 of 2025

To
WEB COPY

1. The Assistant Commissioner of Police (Teynampet Range),
Chennai.
2. The Inspector of Police,
E-3, Teynampet Police Station,
Chennai
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.1219 of 2025

17.01.2025