



WEB COPY



Crl.OP.No.2863 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2026

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.2863 of 2026

M/s.FFL Cuisines Private Limited
Rep. by its Director Mr.Kartic Ramesh
Ganapat Building, 1st Floor,
No.103, Nungambakkam,
Chennai.

...Petitioner

Vs.

1. The Assistant Commissioner of Police
Nungambakkam Range,
Chennai.
2. The Inspector Of Police
F3 Nungambakkam Police Station,
Chennai.

...Respondents

Criminal Original Petition filed under Section 528 of BNSS, 2023 to direct the respondents not to harass the Petitioner and its staff in relation to the running of their Restaurant cum Bar, business carried on in the name and style of “Lord of the Drinks” having separate smoking area for serving herbal flavour hookah without any content or trace of Tobacco/Nicotine.

For Petitioner : Ms.S.Shanmitha

For Respondents : Mr.S.Santhosh, Govt. Advocate (Crl. Side)



CrI.OP.No.2863 of 2026

ORDER

WEB COPY

This criminal original petition has been filed seeking to direct the respondents not to harass the Petitioner and its staff from running Petitioner's Resto Bar (Restaurant and Bar) business carried on in the name and style of "Lord of the Drinks", having separate smoking area for serving herbal flavour hookah without any content or trace of Tobacco/Nicotine.

2. The case of the petitioner is that the petitioner is carrying on Resto Bar business in the name and style of "Lord of the Drinks", after obtaining necessary licences from the competent authorities and the petitioner's resto bar has a separate smoking area for serving herbal flavour hookah, without any content or trace of Tobacco/Nicotine, in compliance with the requirements contemplated under the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003. While so, the respondent police are repeatedly causing an unrest in the petitioner restaurant and directed the petitioner not to serve herbal hookah to the customers. Aggrieved by the said action of the respondents, the petitioner has come up with the present petition.



Crl.OP.No.2863 of 2026

WEB COPY

3. Learned Government Advocate (Crl. Side) appearing on behalf of the respondents submitted that a similar issue has already been considered by a Co-ordinate Bench of this Court in W.P.Crl.No.560 of 2025, wherein, vide order dated 19.08.2025, a direction was given to the petitioner therein to approach the FSSAI Authorities to prove that the products do not contain any tobacco.

4. This Court perused the order passed in W.P.Crl.No.560 of 2025, wherein, it has been held as under:-

“7. It is the consistent stand of the respondents that they are not disturbing the petitioner in running the restaurant. If the petitioner is of the view that his products do not contain any tobacco or nicotine, it is for the petitioner to satisfy the competent Authorities particularly Food Safety and Standards Authority of India (FSSAI).

8. In this regard, by way of amendment brought by the State Government under L.A.Bill No.57 of 2022, Section 4A was introduced, which prohibits hookah bars. Therefore, whether the petitioner's hookah contains tobacco or not is an issue that has to be determined by the competent authority.



WEB COPY

9. On considering the provisions of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and Food Safety and Standards Act, if the product used in the hookah is tobacco containing nicotine, it will fall under the COTPA Act. Otherwise also the inhalation of a smoke derived from any product other than tobacco containing nicotine, it will fall within the definition of food under Section 2(za) of the Food Safety and Standards Act. Therefore, if at all the petitioner herein wants to run an enclosed zone for herbal hookah, first of all, he has to satisfy that his trade is not in a public place which includes restaurant and does not fall under the prohibition of Cigarettes and Other Tobacco Products Act.

10. He cannot use tobacco or any product containing nicotine, in view of the prohibition under Section 4(A) of the COTPA Act, and in case if we want to use any other product other than product containing nicotine and claims it to be a herbal product, it must be in satisfaction with the provisions of Food Safety and Standards Act, 2006.

11. Accordingly, the petitioner is directed to approach FSSAI Authorities and place before them all the ingredients used in the preparation of hookah in his premises. The Food Safety Officer may draw samples and send them to a laboratory



WEB COPY



Crl.OP.No.2863 of 2026

for testing. If it is satisfied that the products do not contain any tobacco or nicotine, the petitioner is at liberty to continue his business in respect of running of the hookah bar.

12. Insofar as the running of the restaurant is concerned, the respondent shall not interfere with the petitioner's business. However, it is made clear that the respondents Police are at liberty to take action if any illegal activities are found to be carried on in the petitioner's premises.”

5. The aforesaid decision is squarely applicable to the facts of the present case. Accordingly, applying the ratio laid down in the above case, this Court directs the petitioner to approach the FSSAI Authorities and place before them all the ingredients used in the preparation of hookah in its premises and the Food Safety Officer may draw samples and send them to a laboratory for testing. If it is satisfied that the products do not contain any tobacco or nicotine, the petitioner is at liberty to continue its business in respect of running of the hookah bar and the respondent officials shall not interfere with the petitioner's business. However, it is made clear that the respondent Police are at liberty to take action, if any illegal activities are found to be carried on in the petitioner's premises.



CrI.OP.No.2863 of 2026

WEB COPY

6. With the above directions, this Criminal Original Petition stands disposed of.

09.02.2026

vkx

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

1. The Assistant Commissioner of Police
Nungambakkam Range,
Chennai.
2. The Inspector Of Police
F3 Nungambakkam Police Station,
Chennai.
3. The Public Prosecutor,
Madras High Court.



WEB COPY



CrI.OP.No.2863 of 2026

A.D.JAGADISH CHANDIRA, J.

vkrr

CrI.OP.No.2863 of 2026

09.02.2026