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Crl.O.P.No.4130 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2026

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.4130 of 2026

Mohammed Daiyan

... Petitioner

-Vs-

The Inspector of Police
E2, Royapettah Police Station,
Royapettah, Chennai 600 014.

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S, to direct the respondent 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 Restaurant premises namely M/s. Tamaya Lounge and Fine Dining Restaurant at No.262, Royapettah High Road, Chennai - 600 014.

For Petitioner : Mr.T.Senthil Kumaran

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondent not to harass the petitioner and their staff in relation to the running of Herbal Hookah services (without any

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content or trace of Tobacco and Nicotine) in Restaurant premises namely M/s. Tamaya Lounge and Fine Dining Restaurant at No.262, Royapettah High Road, Chennai - 600 014.

2. Heard the learned counsel on either side and perused the materials available on record.

3. In W.P.No.11273 of 2024 with identical prayer to the one in the instant case, a Coordinate Bench of this Court has passed an order dated 09.05.2024 following the order dated 22.09.2023 passed in W.P.No.27745 of 2023. The entire order dated 09.05.2024 reads as under :

“Heard the submissions made by both learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side). Based on record, the judgment of this Court made in W.P.No.27745 of 2023 dated 22.09.2023, wherein this Court exclusively passed the following order:

“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 of Tobacco/nicotine. On receipt of the



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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.”

2.The petitioner also undertakes to give such an undertaking and the respondents, on receipt of the undertaking is directed not to interfere in the business of the petitioner, on the said directions, this Criminal Original Petition stands disposed of, on the same line in which the aforesaid order has been passed.”

4. The petitioner also undertakes to give such an undertaking and the respondent, on receipt of the undertaking is directed not to interfere in the business of the petitioner.

5. With the aforesaid direction, this Criminal Original Petition is disposed of.

19.02.2026

Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
rpl



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A.D.JAGADISH CHANDIRA . J,

rpl

To

1.The Inspector of Police
E2, Royapettah Police Station,
Royapettah, Chennai 600 014.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

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