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Crl.O.P.No.628 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

CORAM:

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

Crl.O.P.No.628 of 2026

M.Lavanya

... Petitioner

Vs.

1.The Assistant Commissioner of Police
Poonamalle,
Chennai.

2.The Inspector Of Police
W-30 AWPS,
Poonamallee,
Chennai.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to set aside the Docket order dated 01.12.2025 passed in the un-numbered Crl.MP.No.6186 of 2025 on the file of the learned Principal District and Sessions Judge, Tiruvallur and direct to number the case and decide the case on merits as expeditiously.

For Petitioner : Mr.D.Ashokkumar

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal Side)
Asst.by Mr.M.S.Rajkumar



ORDER

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This Criminal Original Petition has been filed seeking to set aside the docket order dated 01.12.2025 passed in the un-numbered Crl.MP.No.6186 of 2025 on the file of the learned Principal District and Sessions Judge, Tiruvallur and direct to number the case.

2. The learned counsel appearing for the petitioner submitted that the accused are charged for offences under Sections 294(b), 341, 363, 366, 376(3), 376(2)(n), 354(C)(D), 417, 450 and 506(ii) of IPC, Section 5(l) read with 6(1) of the POCSO Act, 2012 and Section 3(1)(r), 3(1)(s), 3(w)(i) (ii), 3(1)(zc), 3(2)(v), 3(2)(va) of the SC/ST (PoA) Act, 1989 and Section 66(E) of the IT Act and Section 4 of the TNPHW Act.

3. The petitioner seeks the transfer of the case currently pending on the file of the **Special Court for Exclusive Trial of Cases under the POCSO Act, Tiruvallur**, to the **Special Court for Exclusive Trial of Cases under the SC/ST Act, Tiruvallur** (Principal District and Sessions Court, Tiruvallur).

4. The learned Principal District and Sessions Judge, Tiruvallur, returned the transfer petition as not maintainable, observing as follows:



*“As per Section 42A of the POCSO Act, “
The provisions of this Act shall be in addition to and
not in derogation of the provisions of any other law for
the time being in force and, in case of any
inconsistency, the provisions of this Act shall have
overriding effect on the provisions of any such law to
the extent of the inconsistency.”*

*Thus, if a case involves offenses under both
the Protection of Children from Sexual Offences
(POCSO) Act and the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act, the Special Court
established under the POCSO Act has exclusive
jurisdiction.*

*Thus, the plea in this petition is not
maintainable.”*

Challenging the same, the petitioner has filed the present petition.

5. This Court has considered the legal position and notes that by Section 42A of the POCSO Act, this legislation overrides other laws in case of a conflict. Following the precedent set in **Aniket Vs. State of Maharashtra** reported in **2023 SCC Online Bom 2713**, it is settled that when a case involves offences under both the POCSO Act and the SC/ST Act, the POCSO Court has exclusive jurisdiction.



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6. Accordingly, this Criminal Original Petition stands dismissed.

19.01.2026

Neutral Citation: Yes/No
rpl

To

1.The Principal District and Sessions Judge, Tiruvallur

2. The Assistant Commissioner of Police
Poonamalle,
Chennai.

3.The Inspector Of Police
W-30 AWPS,
Poonamallee,
Chennai.

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



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A.D.JAGADISH CHANDIRA, J.

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