

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 2445 of 2026**

With
CRIMINAL MISC. APPLICATION (FOR STAY) NO. 1 of 2026
In R/SPECIAL CRIMINAL APPLICATION NO. 2445 of 2026

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MERUBHAI JAGABHAI KHABHALA

Versus
 STATE OF GUJARAT & ANR.

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Appearance:

MR. MOHAMMAAD HASNAIN S SHAIKH(17319) for the Applicant(s) No. 1
 MR. SHAHEZADHUSAIN M SHAIKH(16385) for the Applicant(s) No. 1
 MR PUNIT R DAVE(11920) for the Respondent(s) No. 2
 MR. H.K. PATEL, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 27/04/2026

ORDER

ORDER IN R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO.
2445 of 2026: -

Stand over to 20.08.2026.

ORDER IN CRIMINAL MISC. APPLICATION (FOR STAY) NO.1 of
2026
In R/SPECIAL CRIMINAL APPLICATION NO.2445 of 2026: -

The applicant herein happens to be the father of the child viz. Devang who is about aged 3 years and 4 months. The respondent who is the mother of the child, filed an application before the learned Magistrate for issuance of search warrant under Section 100 of the BNSS, 2023 and the learned Magistrate vide order dated 09.02.2026, has ordered issuance of search warrant

against the applicant herein. It is submitted on behalf of the petitioner that Section 100 of the BNSS, 2023 provides for the issuance of a search warrant against a person believed to be confining another and such confinement should amount to an offence. Admittedly, the applicant herein happens to be the father of the child, and therefore, the custody of the father with the child cannot be said to be illegal confinement. Moreover, the proceedings for the custody of the child are pending before the learned Family Court.

Having regard to these aspects, issue notice returnable on 20.08.2026.

In the meantime, the order dated 09.02.2026 passed by the learned Magistrate issuing search warrant against the present applicant, is hereby stayed till then.

RAVI OZA

(M. R. MENGDEY,J)