

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous (Petition) No. 3703/2026

Zulfikar S/o Shri Sahabudeen, Aged About 36 Years, Resident Of
Ward No. 16, Khajuwala, Tehsil Khajuwala District Bikaner.

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Shahnaz D/o Shri Ismail W/o Zulfikar, Resident Of
Kakrala, Tehsil Pugal District Bikaner

----Respondents

For Petitioner(s) : Mr. R.S. Choudhary

For Respondent(s) : Mr. Hanuman Prajapati, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU
Order

03/07/2026

The present criminal misc. petition has been filed by the petitioner under Section 528 of BNSS against the order dated 28.04.2026 passed by learned Sub Divisional Magistrate, Pugal, District Bikaner whereby proceedings under Section 100 and 101 BNSS have been initiated.

Learned counsel for the petitioner submits that, in the present case, the petitioner, being the natural guardian and father of the child, cannot be proceeded against under Sections 100 and 101. Therefore, the notices dated 28.04.2026 have been issued without jurisdiction.

Learned counsel for the petitioner relies upon the judgment passed by the Coordinate Bench of this Court in ***Jaishree Tiwari v. State of Rajasthan & Anr.*** in ***S.B. Criminal Misc. Petition No. 1377/2012*** and submits that the submissions made by the counsel for the petitioner have substance.

This Court is inclined to interfere.

Issue Notice.

Learned Public Prosecutor accept notice on behalf of respondent-State.

Let notice be issued to respondent No.2, returnable on 16.07.2026.

Learned counsel for the petitioner is directed to file extra-set within a period of one week, failing which, the instant criminal misc. Petition shall automatically stand dismissed without further reference to this Court.

The dispute involved is matrimonial in nature. The details of respondent No.2, including the contact number, shall be provided by counsel for the petitioner before the Mediation Centre within a period of two days. Upon receipt of the same, the Registry shall issue notice to respondent No.2 and call upon her to appear in the mediation proceedings.

The matter is hereby referred to the Mediation Centre attached to this Hon'ble Court.

The parties shall appear before the learned Mediator on 16.07.2026. Till then notice dated 28.04.2026 passed by learned Sub Divisional Magistrate shall remain stayed.

List this matter soon after culmination of the mediation proceedings.

Interim order shall only continue till the next dated.

One copy of this order shall be sent to Mediation Centre.

(BALJINDER SINGH SANDHU),J