



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No.4487/2021
URN: CRLMP / 8379U / 2021

Ranjeet Singh S/o Shri Narain Singh, Aged About 55 Years,
Resident Of 85 Sona Badi, Gopalbadi Byepass, Jaipur.
-----Petitioner

Versus

Central Bureau Of Investigation, Jaipur Through Superintendent
of Police.
-----Respondent

Connected With

S.B. Criminal Miscellaneous (Petition) No.871/2010
URN: CRLMP / 1523U / 2010

Sanjay Dixit aged 49 years, son of Shri S.P. Dixit Resident of
1/16, Gandhi Nagar, Police.
-----Petitioner

Versus

Central Bureau Of Investigation, Jaipur Through the
Superintendent of Police.
-----Respondent

For Petitioner(s)	:	Mr. Madhav Mitra, Sr. Adv. assisted by Dr. Vibhuti Bhushan Sharma, Mr. Veerendra Singh, Ms. Jaya Mitra, Mr. Ravi Bhojak and Ms. Manisha Meena Mr. Anurag Sharma with Mr. Anoop Meena
For Respondent(s)	:	Mr. Jag Mohan Saxena, Sp.PP with Mr. Chinmay Saxena and Mr. Anupam Senagar

JUSTICE ANOOP KUMAR DHAND

Order

17/07/2026

Reportable





1. Both the criminal misc. petitions have been submitted with a common prayer to quash and set aside the impugned FIR No.RC JAI 2010 S0007, registered at the Police Station Central Bureau of Investigation at Jaipur, District Jaipur under Sections 12(1) and 12(2) of the Passports Act, 1967 and under Sections 420, 467, 468 and 471 read with 120-B IPC.

2. Learned counsels for the petitioners submit that SB Civil Writ Petition No.11394/2009 was submitted by one Prahlad Gurjar before this Court without impleading the petitioners as party respondents in the array of cause title and the said writ petition was submitted against the Union of India through the Secretary, Ministry of External Affairs through Passport Officer and the State of Rajasthan through the Chief Secretary with the following prayers:

“It is, therefore, humbly prayed that this writ petition of the petitioner may kindly be allowed and by an appropriate writ, order or directions the non-petitioner No.1 to 3 may kindly be asked to either immediately prosecute Shri Ranjeet Singh under Section 12(1) and Shri Sanjay Dixit under Section 12(2) of the Passport Act or this Hon'ble Court permit the petitioner under Section 15 to prosecute the above two persons for the offence committed by them. Alternatively it is also prayed that if the permission of Chief Secretary of State before prosecution is considered to be required, the Chief Secretary of State be directed to grant such permission to non-petitioner No.1 to 3 or to the petitioner, as the case may be to prosecute Shri Sanjay Dixit under Section 12(2) of the Passport Act.

Any other appropriate relief which this Hon'ble Court deems just and proper in the facts and circumstances of this case, may kindly also be passed in favour of the petitioner.”



3. Counsels further submit that the said petition submitted by Prahlad Gurjar was disposed of by the Co-ordinate Bench of this Court vide order dated 13.01.2010. Counsels further submit that since the petitioners were not parties in the aforesaid SB Civil Writ Petition No.11394/2009, the orders were passed for holding inquiry and registration of criminal case, and they remained unheard, hence under these circumstances they approached the Division Bench by way of filing two different Special Appeals bearing DB Civil Special Appeal (Writ) Nos. 155/2010 and 165/2010. The said appeals were disposed of by the Division Bench of this Court vide order dated 10.11.2010 and the order dated 13.01.2010 passed by the Single Bench of this Court in S.B. Civil Writ Petition No.11394/2009 was quashed and set aside and a direction was issued to the Single Bench to rehear and decide the petitions afresh along with the instant petition.

4. Counsels submit that in the meantime, the impugned FIR was registered against the petitioners without conducting any preliminary inquiry. Counsel submits that the passport of the petitioner-Ranjeet Singh was impounded and the petitioner-Sanjay Dixit withdrew the character certificate issued by him in favour of Ranjeet Singh. The petitioners challenged the validity of the same by way of filing these two misc. petitions before this Court.

5. Counsels further submit that all these petitions were clubbed with SB Civil Writ Petition No.11394/2009 and a Co-ordinate Bench of this Court vide order dated 03.04.2025 directed the writ petitioner i.e. Prahlad Gurjar to implead the petitioners-Ranjeet Singh and Sanjay Dixit as party respondents in the array of cause



title of SB Civil Writ Petition No.11394/2009. Counsel submits that an order dated 03.04.2025 was passed whereby the petitioner- Prahlad Gurjar was directed to file the amended title within a period of two days and it was observed by the Court that in case the order is not complied with the petition would be dismissed automatically without further reference to the Court.



6. Counsels further submit that the aforesaid order was not complied by the petitioner Prahlad Gurjar within the above stipulated time as fixed by the Court and again the matter was listed before the Co-ordinate Bench of this Court and on 18.11.2025, the Co-ordinate Bench after considering the above factual aspect of the matter, passed a direction to list the matter before the Registrar (Judicial) for passing appropriate orders in pursuance of the per-emptory order dated 03.04.2025. Counsel submits that thereafter the matter was listed before the Registrar (Judicial) and on 19.01.2026, the writ petition submitted by Prahlad Gurjar bearing S.B. Civil Writ Petition No.11394/2009 was dismissed on account of non-compliance of the per-emptory order.

7. Learned counsels for the petitioners jointly submit that the genesis/basis of registration of the impugned FIR is the order dated 13.01.2010 passed by the Co-ordinate Bench of this Court in SB Civil Writ Petition No.11394/2009 and the said order has already been quashed and set aside by the Division Bench of this Court vide order dated 10.11.2010 passed in DB Special Appeal (Writ) No. 155/2010 by remanding the matter to the Single Bench of this Court for its adjudication on merits along with the two instant misc. petitions, submitted by the petitioners herein.



Counsels submit that once the order dated 13.01.2010, passed in the aforesaid petition, is no more in picture and even the petition submitted by the petitioner Prahlad Gurjar is no more in existence as the same has already been dismissed on account of non-compliance of the peremptory order vide order dated 19.01.2026, the proceedings arising out of the impugned FIR are not tenable and the same are liable to be quashed.



8. *Per contra*, learned counsel appearing on behalf of the Central Bureau of Investigation opposed the arguments raised by counsels for the petitioners, but he is not in a position to controvert the submissions made by them.

9. Heard and considered the submissions made the Bar and perused the material available on the record.

10. Perusal of the record indicates that the genesis and the basis of registration of the impugned FIR against the petitioner is the order dated 13.01.2010 passed by the Co-ordinate Bench of this Court in S.B. Civil Writ Petition No.11394/2009 submitted by one Prahlad Gurjar, wherein the following directions were issued in para 21 to 22, which read as under:

“21. Consequently, the writ petition is disposed of. The Registrar (Administration), of this Court shall communicate a copy of this order to Director, CBI accompanied by one set of paper book so that CBI may apprise itself of the allegations for the purpose of initiation of investigation, forthwith. It is expected that the investigation would be accomplished with result within a reasonable expedition and hopefully within a period of four months from the date of receipt of a copy of this order.

The record of the office of Passport Officer, Jaipur shall be collected by the Investigating Officer from the custody of the Registrar (Admn.) of this Court. The



Investigating Officer shall proceed without any loss of time. On the offence being disclosed, the CBI shall register the same against such persons as may be suspected to be involved. The parties are given liberty to seek directions by moving appropriate application as and when necessary.

22. Before parting with the matter, it is clarified that whatsoever has been stated hereinabove, is based only on the statements contained in the pleadings of the parties, and is not intended in any manner, to record a finding or to be a reflection of any of the parties or anyone concerned."

11. It appears that the petitioners were not impleaded as party-respondents in the aforesaid writ petition and the order dated 13.01.2010 was passed in their absence and thereafter, the impugned FIR has been registered against them.

12. Aggrieved by the order dated 13.01.2010, both the petitioners approached the Division Bench of this Court by way of filing two separate Special Appeals. The said Special Appeals were disposed of by the Division Bench of this Court vide order dated 10.11.2010 with the following observations and directions:

"Counsel for respondent no.1 has also relied on decision of Calcutta High Court in Ashok Kumar Todi vs. Kishwar Jahan & Ors. decided on 18.5.2010 to argue that in this intra court appeal, opportunity can be granted for filing of return to the appellants and matter may be decided here afresh. We are not inclined to adopt this recourse though, it may be permissible in the peculiar facts of this case. As the petition u/s. 482 Cr.P.C. is pending before the Single Judge and there is interim order of stay on filing of charge sheet, it is considered appropriate in the facts and circumstances of the case that these matters be heard and decided together by Single Bench.

We direct hearing of both the matters together by the Single Bench. Return be filed by the appellants before the Single Bench within three weeks from today. The appellants shall stand impleaded as respondents to the petition. The impugned order dated 13.1.2010 is set aside. It is made clear that we have not expressed





any opinion on the merits of the case and regarding the investigation which has been made as it is subject matter of petition filed u/s.482 Cr.P.C. We also make it clear that due to setting aside of the order passed by the Single Bench, the FIR which has been registered, shall not be deemed to have been quashed automatically as it is subject matter of the petition filed u/s.482 Cr.P.C. and would be dependent upon the outcome of these matters, which are to be heard together.

With the above observations, both the appeals as well as stay applications stand disposed of."

13. In the light of the directions issued by the Division Bench of this Court vide order dated 10.11.2010, all these matters came to be listed before the Single Bench of this Court for hearing afresh.

14. However, when the matter was listed before the Co-ordinate Bench of this Court on 03.04.2025, following order was passed:

"List these matters on 07.04.2025.

In the meantime, learned counsel for the petitioner in S.B.Criminal Writ Petition No.11394/2009 may file the amended cause-title in view of the direction of the Division Bench passed on 10.11.2010 in D.B. Civil Special Appeal (Writ) No.155/2010.

The petitioner has not filed the amended cause-title even after passing of about fifteen years. The petitioner is allowed two days' time to file the amended cause-title, failing which this criminal writ petition shall stand dismissed automatically without further reference to the Court."

15. It appears that the aforesaid per-emptory order passed by the Co-ordinate Bench of this Court was not complied with by the writ petitioner-Prahlad Gurjar in S.B. Civil Writ Petition No.11349/2009 within the stipulated time, as fixed by the Court. The matter was listed before the other Co-ordinate Bench of this





Court on 18.11.2025 and on the said day, the following order was passed which reads as under:

“Matter comes upon application (No.1/2025) for taking document i.e., prosecution sanction, filed on behalf of the respondent Passport department.

Upon perusal of the file, it reveals that by order dated 13.01.2010, instant writ petition was earlier disposed of. The order dated 13.01.2010 was assailed before Hon’ble Division Bench by way of intra-court appeal. Vide order dated 10.11.2010, Hon’ble Division Bench disposed of the appeal and remanded the matter to Single Bench to hear the instant writ petition afresh along with connected misc petitions (No.871/2010). While deciding appeal, it was observed that the appellants therein who challenged order passed by learned Single Judge are required to be impleaded as respondents in the writ petition. It was also observed that the appellants shall file their reply within three weeks from the date of order i.e. 10.11.2010.

Thereafter, vide order dated 03.04.2025, the petitioner was directed to file amended cause title in pursuance of the directions passed by Division Bench order dated 10.11.2010 and time was given to the petitioner to do the needful, failing which, direction for automatic dismissal of the writ petition, without further reference of the Bench, was given. As per the report of the concerned clerk, amended cause title has not been filed and same has been filed on 05.04.2025 through e-filing by counsel for the petitioner, which is according to the procedure/guidelines issued by the Office in this regard, is not sufficient compliance and as such, the instant writ petition is to be sent and placed before Registrar (Judicial) for passing appropriate orders in pursuance of the per-emptory order dated 03.04.2025.

Thus, the instant writ petition be placed before Registrar(Judicial) for passing appropriate orders in pursuance of per-emptory order dated 03.04.2025.”

16. In-spite of passing of considerable time when the per-emptory order dated 03.04.2025 and the subsequent order dated 18.11.2025 were not complied with, the matter was listed before the Registrar (Judicial) on 19.01.2026 and the writ petition was





dismissed for want of compliance of the peremptory order dated 03.04.2025.

17. It is worthy to note here that the writ petition submitted by Prahlad Gurjar was dismissed on 19.01.2026 and more than six months have passed thereafter and till date no restoration application has been submitted for recalling of the orders dated 03.04.2025 and 19.01.2026 and for restoration of the aforesaid writ petition to its original number, hence, under these circumstances, when the petition seeking prayer to prosecute the petitioner goes, nothing survives in the impugned FIR, which is an outcome of the order dated 13.01.2010 passed by this Court, which has already been quashed by the Division Bench of this Court vide order dated 10.11.2010.

18. Even otherwise also, it is the case of the complainant-Prahlad Gurjar that without verification about the criminal antecedents of the petitioner Ranjeet Singh, a character certificate has been issued by the petitioner Sanjay Dixit and on the basis of which the passport has been issued to the petitioner Rajneet Singh, hence, he prayed for prosecution of both the petitioners by way of registration of FIR against them.

This fact has come on the record that the passport was impounded by the Passport Authorities and the petitioner-Sanjay Dixit has submitted an application for withdrawal of the certificate issued by him. It is worthy to note here that if the petitioner-Sanjay Dixit might not have issued the certificate in favour of Ranjeet Singh then also it was equal responsibility of the Passport





Authority not to issue any Passport to him without getting police verification done.

The Passport Authority was expected to lodge FIR but nothing was done at their end except to impound the passport. The complainant has submitted the petition No.11394/2009 with multiple prayers including lodging of FIR against the petitioner, but his petition was dismissed on 19.01.2026 on account of non-compliance of the peremptory order and no effort has been made by him to revive the aforesaid petition. It appears that he has lost his interest to pursue his petition against the petitioners.

19. Once the very genesis or basis of the proceedings came to an end up on its dismissal, the entire structure built upon it cannot stand. Such situation reflects the well-established legal maxim "*sublato fundamento cadit opus*" meaning thereby "when the foundation is removed, the structure falls". This principle signifies that once the root or initial action/proceedings of a matter comes to an end, every subsequent and consequential proceedings arising therefrom automatically collapses. Any action that is wholly dependent upon the original cause of action cannot survive once the main claim/initial proceeding is dismissed.

20. It is the settled principle of law that when the origin, basis and genesis of the matter comes to an end, all subsequent proceedings arising of that matter came to an end automatically. This principle flows from the maxim "*cessante ratione legis, cessat ipsa lex*", which means that when the reason for a law ceases, the law itself ceases.





21. This Court in the case of **Badrilal Sharma and Ors. vs. State of Rajasthan and Anr.** while deciding **S.B. Criminal Misc. (Petition) No.7641/2024** on 01.05.2026, has taken a view that if the genesis and origin of the an FIR is quashed and set-aside by way of a judicial order passed by the Court, then continuation of the proceeding, arising out of the said FIR amounts to abuse of the process of law and the same cannot be allowed to continue.

22. Even the Hon'ble Supreme Court in the cases of **Badrinath vs. Govt. of T.N.** reported in **(2000) 8 SCC 395** and **State of Kerala Vs. Puthenkavu N.S.S. Karayogam** reported in **(2001)10 SCC 191** has observed that once the basis of a proceeding is gone, all consequential acts, actions, orders would fall to the ground automatically and this principle is applicable to the judicial, quasi-judicial administrative proceedings equally.

23. Considering the overall facts and circumstances of the case, both the instant criminal misc. petitions stand allowed. The impugned FIR No.RC JAI 2010 S0007, registered at Police Station Central Bureau of Investigation at Jaipur, District Jaipur under Sections 12(1) and 12(2) of the Passports Act, 1967 and Sections 420, 467, 468 and 471 read with Section 120-B IPC stands quashed and set-aside.

24. Consequences to follow.

25. Before parting with this order, it is made clear that the impugned FIR under challenge in these petitions has not been quashed on the merits of the matter. This Court has not examined the allegations mentioned in the FIR. The impugned FIR is quashed purely on the principles of the legal maxim "*sublato*





fundamento cadit opus” and “*cessante ratione legis, cessat ipsa lex*”. The reason for applying these legal maxims is that the origin and genesis of the impugned FIR is no more in existence. The order dated 13.01.2010 directing the investigation in the alleged offence and registration of the FIR was quashed by the Division Bench vide order dated 10.11.2010, while remanding the matter back to the Single Bench and the main matter seeking registration of FIR against the petitioner has already been dismissed vide order dated 19.01.2026 for non-compliance of peremptory order. In case, the S.B. Civil Writ Petition No.11394/2009 is restored to its original number, the respondent-CBI would be at liberty to move application for recalling of this order and revival of these petitions.

(ANOOP KUMAR DHAND),J

KuD/29-30

