



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

S.B. Civil Writ Petition No. 16685/2026
CNR: RJHC010729702026 | URN: CW / 29381U / 2026

Rahul Modi

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s) : Mr. Vikas Balia, Sr. Adv.
For Respondent(s) : Mr. S.S. Ladrecha, AAG
Mr. Muktesh Maheshwari (Amicus
curaie)

HON'BLE MR. JUSTICE SAMEER JAIN

Order

24/07/2026

1. The present petition has been listed before this Bench in pursuance to the directions passed by the Division Bench in **DB Cr. Writ Petition No. 128/2018** titled **Jiya and Ors. V. State of Rajasthan and Ors.**, relevant excerpt of which is reproduced hereinbelow:

- "2. Registry has also entertained it as a Criminal Writ Petition, whereas there is no such concept of Criminal Writ Petition provided in the Constitution.
3. A writ petition can be filed for raising the issues which may also relate to a criminal matter but the same would not be treated as a 'Criminal Writ Petition' and the same can only be registered as a writ petition alone.
4. It is for the Court to examine the case or for the purpose of placing them before the concerned roster. Henceforth, the Registry is directed not to register any case as 'Criminal Writ Petition'."



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2. Learned Senior Counsel Mr. Balia submits that the present petition has been filed under Article 226 of the Constitution of India. It is fairly conceded that the matter arises out of criminal proceedings; and that the petition is filed under the provisions of Article 226 of the Constitution of India read with section 528 of BNSS. For the purposes of clarification, it has been indicated in the cause title that the same may also be read under Section 528 of the BNSS, and the directions passed in judgments dated 19.03.2025 and 10.10.2025 in **SBCrIW No. 560/2025 titled Priyanka Modi and ors. v. the State of Rajasthan and Ors.**, for clubbing and merger and/or consolidation of all the pending criminal cases qua the petitioner(s), into one case that is *subjudice* before the learned Court for CBI Cases No. 3, Jaipur, Metropolitan I, Jaipur (Sessions Case No. 04/2023: State of Rajasthan V. Virendra Modi and ors.).

3. It is further submitted that, in light of the pronouncement of the Hon'ble Supreme Court in **Mukesh Modi and ors. Vs. State of Rajasthan and Ors.: Writ Petition Criminal No. 362/2024**, as well as the decision of a Co-ordinate Bench of this Court in the matter of **Priyanka Modi (supra)**, applying the principle of oneness, the FIRs qua the petitioners in the Adarsh Cooperative alleged scam case were directed to be heard together. In the present matter, it is submitted that a batch of connected cases arising out of the same set of allegations is also listed on 27.07.2026. Relevant extract from the order passed by Hon'ble Supreme Court is reproduced hereinbelow:

"The learned Senior Advocate, appearing for the petitioners, seeks permission to withdraw the present writ petition with liberty to approach the



jurisdictional High Courts for consolidation of the cases within each State in question.

In view of the statement made, the writ petition is dismissed as withdrawn with liberty as prayed for. The petitioners are also at liberty to invoke appropriate legal remedies to seek their release from custody."

4. Upon hearing the submissions, a query is raised by this Court as to whether the present petition is maintainable before the present roster, which is assigned to entertain civil writ petitions under Article 226 of the Constitution of India. In response to which learned senior counsel appearing for the petitioner submitted that in view of the directions issued by the Division Bench in **Jiya and Ors. (supra)** the distinction between civil and criminal matters stands effaced, and therefore, the present petition is maintainable.

5. However, upon a perusal of the material available on record it is noted that the present is also a case where the relief sought before this Court pertains to the clubbing of FIRs on the principle of oneness of allegations, in the backdrop of the directions issued by the Hon'ble Supreme Court. Accordingly, the question of maintainability of the present writ petition is kept open, and notices are ought to be issued.

6. In view of the above, let notices be issued to the respondents.

7. As this Court is required to consider, on the aforesaid submissions and apart from the issue of maintainability, as to whether the present matters are connected with the bunch of matters already listed, it is deemed essential and thus hereby



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appoints Shri Muktesh Maheshwari, as *amicus curiae*, to assist the Court.

8. Learned counsel for the petitioner is directed to supply a copy of the petition, during the course of the day, in the office of Mr. Ladrecha, learned AAG, Mr. Muktesh Maheshwari and Mr. Ritu Raj Singh Bhati, learned GC.

9. List the matter on 27.07.2026 in the supplementary cause list, after reflecting the names of Mr. S.S. Ladrecha, learned AAG, Mr. Ritu Raj Singh Bhati, learned Government Counsel, and Mr. Muktesh Maheshwari, learned *amicus curiae*.

(SAMEER JAIN),J

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