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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4551 OF 2018

Babulal B. Verma & Ors.
V/s.

...Petitioners

State of Maharashtra & Ors.

...Respondents

Mr.Johnson John for the Petitioners.

Mr.S.D. Rayrikar, A.G.P. for the State – Respondent Nos.1 to 3.

Mr.Vinod Sangvikar for Respondent No.4.

CORAM : R.D. DHANUKA, J.
DATE : 5TH JUNE, 2018.

P.C. :-

1. Learned counsel appearing for the petitioners on instructions agrees to withdraw this writ petition with liberty to file appropriate proceedings.

2. The application for withdrawal is vehemently opposed by the respondent no.4 on the ground that the petitioner no.3 has committed fraud upon this Court. He invited my attention to some of the documents in support of his submission that the petitioner no.3 is representing himself in different names before the authorities in various proceedings. He invited my attention to the averments made in the affidavit in reply dated 17th April, 2018 in this regard. He submits

that the petitioners thus shall not be allowed to withdraw this petition and appropriate enquiry shall be conducted against the petitioner no.3.

3. Learned counsel appearing for the petitioners in rejoinder submits that an F.I.R. is already filed against the petitioner no.3 and an investigation is going on.

4. This Court is not inclined to go into the allegations made by the respondent no.4 against the petitioner no.3 at this stage. It is however, made clear that if any further proceedings are filed by the petitioner no.3 in respect of the subject matter of this petition, such appropriate authority or the Court before whom such proceedings are filed, shall look into these allegations made by the respondent no.4 against the petitioner no.3.

5. The writ petition is accordingly dismissed as withdrawn with liberty to exhaust an alternate remedy with the aforesaid clarification.

6. There shall be no order as to costs.

(R.D. DHANUKA, J.)