

Court No. - 66

Case :- MATTERS UNDER ARTICLE 227 No. - 10953 of 2023

Petitioner :- Sanjay Yadav

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Surendra Yadav

Counsel for Respondent :- G.A.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Surendra Yadav, learned counsel for the petitioner, learned A.G.A. for the State-respondent, and perused the record.

2. The petitioner has preferred instant petition with a prayer to set aside the impugned order dated 15.3.2022 passed by Additional Civil Judge (Junior Division)/Judicial Magistrate-IX, Varanasi, by which the application under section 156(3) Cr.P.C. was rejected, and the order dated 27.7.2023 passed by Additional Sessions Judge, Court No.13, Varanasi, by which the revision of the petitioner was also rejected.

3. Learned counsel for the petitioner submits that the opposite party trespassed into the house of the petitioner by demolishing a room constructed over the disputed property, which is subject matter of the civil suit bearing No.333 of 2004 pending disposal before Additional Civil Judge (Junior Division), Varanasi. It is further contended that the petitioner and the private respondent are relatives and co-sharers in the said property. The trial court has also passed an injunction order, which is not coming part of this petition.

4. Apparently, on perusal of the record, *prima facie* it seems that no fruitful purpose would be served by giving the direction to the police for registration of the FIR in such facts as the same shall amount to misuse the process of law. The parties are into civil litigation since 2004, allegedly certain injunctions, have also been issued by the competent civil court.

5. In view of facts-circumstances of the case, the petition is devoid of merits, and is accordingly, dismissed.

Order Date :- 1.12.2023

Anil K. Sharma

[Vinod Diwakar, J.]