

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

**WRIT PETITION No.23640 of 2009**

**ORDER:**

This writ petition was filed for a declaration that FIR No.1209 of 2009 registered on the file of Saroornagar Police Station, Cyberabad, was illegal.

By order dated 03.11.2009, this Court granted interim stay of the investigation in the said crime. The interim order was made absolute on 05.03.2010 taking note of the fact that no counter-affidavits had been filed.

Crime No.1209 of 2009 was registered under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, read with Section 323 I.P.C. upon the complaint made by the fourth respondent. The allegation of the fourth respondent was that the accused in the said crime, the petitioners herein, abused him in filthy language by caste and physically assaulted him. No counter-affidavit has been filed in the matter till date. The fourth respondent, at whose behest Crime No.1209 of 2009 was registered, also did not take any steps to get the interim order vacated. In effect, the investigation in Crime No.1209 of 2009 was not even commenced. As six years have elapsed since the registration of the said crime, it is too late for the police authorities to commence the investigation as witnesses would not be in a position to recall what had transpired so long ago. This Court therefore sees no purpose being served in inviting counter-affidavits at this late stage or permitting the police authorities to take up Crime No.1209 of 2009 for investigation.

The writ petition is therefore allowed quashing FIR No.1209 of 2009 on the file of Saroornagar Police Station, Cyberabad.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

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**JUSTICE SANJAY KUMAR**

22<sup>nd</sup> September, 2015

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