

High Court can quash the proceedings for encouraging genuine settlement of matrimonial disputes

(B.S.Joshi Vs. State of Haryana, JT 2003 (3) SC 277)

A lady filed FIR against her husband, his parents and younger brother u/s 498A, 323 and 406 IPC on 2nd January 2002. Their marriage had taken place in July 1999 but they have been living separately since July 2000.

Subsequently she filed an affidavit stating that the FIR was registered at her instance due to temperamental differences and implied imputations, and that her disputes with the in-laws have been finally settled and they agreed for mutual divorce. The court of Additional district judge also recorded the statements of both the parties. Based on this, the in-laws moved the High Court seeking quashing of the FIR under S.482 of the Code. There was serious opposition on behalf of the state. The High Court also dismissed the petition stating that the offences u/s 498A and 406 IPC are not compoundable.

The criminal appeal came up before the Supreme Court wherein the Hon'ble Court referred to the special features in such matrimonial matters and stated categorically that it becomes the duty of the court to encourage genuine settlements of matrimonial disputes.

It was held that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR and s.320 of the Code does not limit or affect the powers under s.482 of the Code. Finally the judgment of the High Court was set aside the FIR referred above was quashed.
