

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Appeal No.S-76 of 2023

Appellant:	Imdad Ali S/o Muhammad Ibrahim Soomro, <i>through</i> Mr. Asif Ali Abdul Razak Soomro, Advocate.
Complainant:	Gul Muhammad S/o Karim Bux Soomro, <i>through</i> Mr. Saeed Ahmed Bijarani, Advocate.
The State :	<i>through</i> Mr. Aitbar Ali Bullo, Deputy Prosecutor General, Sindh
Date of Hearing :	25.08.2025.
Date of Decision:	25.08.2025.

JUDGMENT

Ali Haider 'Ada'. J:- Through this appeal, the appellant has assailed the judgment dated 31.08.2023 passed by the learned Additional Sessions Judge-I, Kandhkot, in Sessions Case No.317 of 2022, arising out of Crime No.158/2022 of P.S A-Section Kandhkot, whereby the appellant was convicted under Sections 337-L(ii) and 337-F(v), PPC, and sentenced to rigorous imprisonment for five years along with a fine of Rs.60,000/- payable to the injured/complainant Gul Muhammad. In case of default in payment of fine, the same was ordered to be recovered as arrears of land revenue. However, the benefit of Section 382-B, Cr.P.C. was extended to the appellant.

2. The brief facts of the prosecution case, in a nutshell, are that one of the co-accused, namely Ahsan Ali, contracted marriage with Mst. Zeenat Shaheen, the niece of the complainant. On 10.09.2022, at about 08:30 p.m., the accused persons, along with some unknown persons, allegedly assaulted the complainant party. During the incident, the present appellant Imdad Ali is stated to have caused butt blows to the complainant, while co-accused Ahsan Ali, Muhammad Ismail, and others also participated in the occurrence. After sustaining injuries, the complainant obtained a medical referral letter for treatment, and subsequently lodged the FIR on 29.09.2022. After usual investigation, the case was submitted by the Investigating Officer before the trial Court. Upon taking cognizance, the learned trial Court supplied requisite documents to the accused and framed charge against them on 14.12.2022. The appellant, along with other accused, pleaded not guilty and claimed trial.

3. During the course of trial, the prosecution led its evidence. The complainant/injured was examined, who produced the FIR, a decree dated 05.09.2022, and an order dated 28.09.2022. Thereafter, the statement of Mst. Zeenat Shaheen was recorded, followed by the examination of PW-03 Muhammad Hashim, who produced the memo of injuries, site inspection memo, and memo of arrest. PW-04 Ahsan Ahmed, a police official, was examined and exhibited the medical treatment letter along with relevant roznamcha entries. PW-05 Qamaruddin was examined as the author of the FIR and he also produced the relevant roznamcha entry. PW-06 Umed Ali, the Investigating Officer, was examined and produced further entries. Lastly, Dr. Muhammad Saeed was examined, who produced the relevant medical documents.

4. Subsequently, the learned State Counsel closed the prosecution side through a statement dated 18.08.2023. Thereafter, the statements of the appellant and co-accused were recorded under Section 342, Cr.P.C, wherein they denied the allegations and produced in their defence a copy of FIR and certain photographs. After completion of proceedings, the learned trial Court delivered the impugned judgment, which is now being assailed through this appeal.

5. During the pendency of the present appeal, applications under Sections 345(2) and 345(6), Cr.P.C. were filed, stating that a compromise had been effected between the parties, whereby they had amicably settled their dispute and no longer intended to pursue the matter. On notice, the learned Deputy Prosecutor General, appearing for the State, raised no objection, submitting that the offences in question were panel offences and being compoundable in nature, the compromise applications could be considered and allowed accordingly.

6. In the foregoing circumstances, since the parties have amicably resolved their dispute, this Court finds that recognition of the compromise is not only in consonance with law but also serves the larger interest of peace and harmony. So, to discourage the perpetuation of enmity, to restore social order; and to prevent disputes from rising into further violence or prolonged litigation. Where the law permits compounding of offences, acceptance of a genuine compromise fosters reconciliation, promotes cordial relations, and ensures that the energies of the parties are directed towards peaceful coexistence rather than hostility. Accordingly, the compromise applications are allowed. Resultantly, the appellant stands acquitted of the charge, and the judgment of conviction and sentence passed by the learned trial Court is hereby set aside. It is further

observed that the appellant, who was granted bail vide order dated 28.09.2023 under Section 426, Cr.P.C, is present on bail. His bail bond stands cancelled and the surety is discharged after due verification by the concerned quarters.

7. In view of the above, this Criminal Appeal is disposed of in the terms stated hereinabove.

JUDGE