

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

CrI. Appeal No. S-25 of 2022

For hearing of main case

1. For orders on M.A.No.2163/2022 (426 Cr.P.C)
2. For orders on M.A.No.3726/2025 (345(2) Cr.P.C)
3. For orders on M.A.No.3727/2025 (345(6) Cr.P.C)

29.08.2025

Mr. Shabbir Ali Bozdar, Advocate for the appellants
Mr. Naimat Ali Shah, Advocate for complainant
Mr. Khalil Ahmed Maitlo, DPG

J U D G M E N T

KHALID HUSSAIN SHAHANI J.- The appellant, Muhammad Akram, Zahid Hussain alias Zahid Ali, Safdar Ali, Akhtar Ali and Salam alias Abdul Salam were convicted and were found guilty for committing *qatl-i-amd* of Abdul Waheed, therefore, convicted for offence under Section 302(b) PPC r/w 148, 149 PPC and sentenced to imprisonment for life as *Ta'zir* and to pay fine of Rs,2 lac to be paid to each legal of deceased as compensation in pursuance of Section 544-A Cr.P.C and in default thereof to undergo S.I for 06 months more. They were also convicted for offence under Section 148 PPC and sentenced to imprisonment for 02 years as *ta'azir*, Both the sentences to run together with benefit of Section 382-B Cr.P.C by the Court of learned 1st Additional Sessions Judge-I/MCTC, Ghotki vide judgment dated 05.04.2022 in Sessions Case No.208 of 2018 arising out of FIR No.46 of 2018 registered at Police Station Wasti Jeewan Shah.

2. During pendency of the appeal, compromise applications were filed under Sections 345(2) and 345(6) Cr.P.C., supported by affidavits of the legal heirs of deceased Abdul Waheed, namely Mst.Anwar Khatoon (mother), Zakir Hussain, Talib Hussain, Khalid Hussain, Tahir Hussain, Muhammad Azam, Muhammad Akram, Abdul Samad (brothers), Mst. Safia and Mst. Asia (sisters) respectively. Consequently, this Court granted permission under Section 345(2) Cr.P.C. and referred the matter to the learned trial Court for conducting a thorough inquiry into the genuineness, voluntariness, and legal competence of the compromise.

3. The learned trial Court, after completing the inquiry, submitted its report dated 21.08.2025, affirming that the legal heirs of the deceased had voluntarily and unconditionally pardoned the appellant in the name of Almighty Allah, and waived their rights of *Qisas*, *Diyat*, and *Arsh*. No element of coercion, fraud, or undue influence was detected.

4. Given that the offence under Section 302 PPC is compoundable with permission of the Court and considering all the legal heirs have validly pardoned the appellant, this Court finds no legal impediment to the acceptance of the compromise. This decision is reinforced by the principle enunciated in *The State Vs. Muhammad Hanif* (1992 SCMR 2047) and *Khalil-uz-Zaman Vs. Supreme Appellate Court* (PLD 1994 SC 885).

5. In the light of foregoing permission to compound the offence in pursuance of section 345(2) Cr.P.C is hereby accorded, and compromise between the parties is accepted under Section 345(6) Cr.P.C. Consequently, the appellant are acquitted of the charge(s). The ancillary sentence imposed under Section 148 PPC is hereby set-aside. The appellants currently incarcerated shall be released forthwith, provided they are not required in any other case. Accordingly, appeal stands disposed of along with all listed application(s), in terms of the compromise.

J U D G E