

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Revision Appln. No. S-81 of 2024

Applicant : Shafquat Husain @ Jani s/o Khan Muhammad @  
Hazoor Bux, by caste Rajper  
Through Mr. Suhail Ahmed Khoso, Advocate

The State : Mr. Muhammad Raza Katohar, DPG

Date of hearing : 25.09.2025  
Date of Order : 06.10.2025

## **ORDER**

**KHALID HUSSAIN SHAHANI, J.—** The applicant, Shafqat Hussain @ Jani, has invoked the revisional jurisdiction of this Court, expressing grievance and dissatisfaction with the impugned order dated 26.10.2024, passed by the learned Additional Sessions Judge Mirwah. The said order dismissed the applications under Sections 345(2) and 345(6) Cr.P.C., filed by the parties seeking permission to compromise the offence and its acceptance. The trial court rejected the compromise on the basis that the registered sale deed, executed purportedly in lieu of *Diyat*, was in fact a sale for consideration, notwithstanding its transfer in favor of the minor legal heirs of the deceased.

2. According to the prosecution case, on 01.01.2020 at about 0030 hours, at the residence of the accused Shafqat Hussain @ Jani Rajper, situated in village Karam Khan, Taluka Faiz Ganj, the accused, along with co-accused Abdul Karim alias Pano and two unidentified persons, in furtherance of common intention arising from a matrimonial dispute, committed the murder of Mst. Rabail alias Sohni by throttling her neck with an electric wire.

3. During the pendency of the trial, the parties filed applications seeking leave to compound the offence and to have the compromise accepted. The learned trial court declined these applications on the ground that the minor legal heirs of the deceased had not themselves entered into the compromise, which was instead executed on their behalf by their maternal

uncle. The trial court scrutinized the registered sale deed presented by the accused's counsel, which was claimed to have been executed in lieu of *Diyat*. However, the court found that the deed indicated a sale for consideration, as it reflected that the minors themselves had paid the consideration. The document lacked any explicit mention of transfer in lieu of *Diyat*, and therefore, the payment of *Diyat* was not satisfactorily established. This formed the basis for dismissing the compromise applications.

4. Learned counsel for the applicant contends that Muhammad Hayyat, the father of respondent No.3, originally lodged the FIR against the applicant for the murder of his daughter. Following framing of charges, the applicant was convicted and sentenced to death by the trial court. Upon appeal before this Court, the conviction was overturned and the matter remanded for retrial. During the retrial, the parties mutually agreed to compromise, as the offence under Section 302 PPC is compoundable with court permission. The complainant passed away, and respondent No.3, a legal heir and witness of the incident, filed the compromise application supported by affidavit. The legal heirs have received *Diyat* in the form of land measuring (14-30) acres situated in Deh Karam Khan Kuber, Taluka Faiz Ganj, Khairpur. The applicant is the biological father of the minor heirs Hazoor Bux and baby Amina, as confirmed by the Mukhtiarkar's report.

5. It is further submitted that during the pendency of the compromise applications, all procedural formalities were duly completed, including deposit of the remaining *Diyat* amount in saving certificates in the names of the minors. The legal heirs have reconciled with the applicant through their maternal uncle, acting as guardian, who has waived the right of *Qisas* on their behalf. In lieu of *Diyat*, the applicant has executed the registered sale deed transferring land to the minors and deposited Rs.81,568.66 and Rs.40,784.33 in their names respectively.

6. Given that the offence punishable under Section 302 PPC is compoundable with court's permission, and the legal heirs, who are the son and daughter of the accused, have validly pardoned the applicant through their guardian who waived the right to *Qisas*, and considering the land measuring (14-30) acres has been executed in favor of the minors along with deposit of saving certificates, this Court is convinced that no legal impediment bars the acceptance of compromise. The contention of the trial court that the registered document shows consideration paid by the minors, aged about 5 and 7 years, is inconsequential, as such minors cannot pay consideration personally. The deed was executed by the applicant in their favor in presence of the Superintendent Central Prison & Correctional Facility Khairpur, thus substantiating bona fide intent to effect compromise.

7. In light of the foregoing, permission to compound the offence under Section 345(2) Cr.P.C. is granted, and the compromise between the parties is accepted under Section 345(6) Cr.P.C. Consequently, the appellant is acquitted of the charges. The applicant, currently in custody, shall be released forthwith unless required in any other case.

8. Accordingly, this Criminal Revision Application along with connected application(s) stands disposed of in terms of the compromise reached between the parties.

**J U D G E**