

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Appeal No. S-53 of 2022

Appellants : 1) Muhammad Hayat S/o Muhammad Sachal, Mahar  
2) Ghulam Sarwar S/o Muhammad Hayat, Mahar  
Through Mr. Rukhsar Ahmed Junejo, Advocate

Respondent : Muhammad Ishaq Sajid s/o Muhamad Ibrahim, Mahar  
Through Mr. Muhammad Nawaz Kazi, Advocate

The State : Through Mr. Muhammad Raza Katohar, DPG

Date of hearing : 23.10.2025  
Date of order : 23.10.2025

## **ORDER**

**KHALID HUSSAIN SHAHANI, J.-** Learned counsel for the appellants and respondent/complainant have jointly filed applications under Sections 345(2) and 345(6), Cr.P.C., seeking permission to compound the offence. It is submitted that, in compliance with directions contained in the impugned judgment, possession of the disputed land has been restored to the complainant/respondent No. 1; hence his grievance stands redressed. Both parties have amicably resolved their dispute outside Court and now request permission to compound the offence and to acquit the appellants, placing reliance upon *Akhtar Hussain v. SHO Sachal Karachi & others* (2020 P.Cr.L.J Note 20).

2. Learned Deputy Prosecutor General, in view of the settled legal position and the spirit of compromise between the parties, has raised no objection to the grant of these applications.

3. *Heard. Record perused.*

4. It is an admitted position that the Illegal Dispossession Act, 2005 contains no express provision authorizing compounding of offences. However, Section 9 of the said Act provides that, unless otherwise specified, the provisions of the Code of Criminal Procedure, 1898 shall apply to proceedings under the Act. Consequently, a compromise arrived at between parties under this Act may lawfully be treated as one within the meaning and scope of Section 345 Cr.P.C.

5. The next issue is whether such compromise may be entertained when the offence is not enumerated in the schedule to Section 345 Cr.P.C. In my considered view, the answer must be in the affirmative where reconciliation is genuine and intended to restore peace. Legislative silence cannot be

construed as prohibition; rather, beneficial interpretation must prevail to promote justice and social harmony. In *Ijaz and another v. The State* (PLD 2016 Peshawar 26), it was observed that “*non-compoundability of an offence should not be read in isolation and that reconciliation fostering peace deserves judicial encouragement*”.

6. In the instant case, both parties have sincerely resolved their dispute and undertaken to live peacefully. Recognizing such settlement serves the cause of justice as well as societal harmony.

7. This view is fortified by *Shahid v. The State and another* (2017 YLR Note 81) [Lahore], wherein it was held that:

*“Compromise even in a non-compoundable offence constitutes a redeeming feature bringing adversaries closer and enabling them to live peacefully; the non-compoundable nature of the offence should not frustrate such noble intentions.”*

8. Similarly, in *Ali Raza and another v. The State and another* (PLD 2013 Lahore 651), the Hon’ble Lahore High Court held that “*when parties voluntarily and knowingly reach a settlement, such agreement must be respected as it brings peace and reconciliation rather than perpetuating enmity*”.

9. In light of the foregoing discussion, I am of the considered opinion that acceptance of the compromise would best serve the interests of justice, equity, and public harmony. Accordingly, the joint applications under Sections 345(2) and 345(6), Cr.P.C. are allowed. Resultantly, this appeal stands disposed of. The appellants Muhammad Hayat and Ghulam Sarwar, who are present on bail, are hereby acquitted of the charge. Their bail bonds are cancelled and sureties discharged.

**J U D G E**