

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Appeal No. S- 89 of 2024

Date of hearing	Order with signature of Judge
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For Directions.

10.10.2024

Mr. Nisar Ahmed Bhanbhro, Advocate for appellants.
Mr. Khalil Ahmed Maitlo, D.P.G.

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O R D E R.

MEHMOOD A. KHAN, J;- Complainant Sadaruddin Bhanbhro is present in the matter. Application under Section 345(5-A) of Criminal Procedure Code as well as application under Section 345 Cr.P.C have been filed wherein it is contended that the parties have acquired compounding of the same. The said application is supported by the affidavit of complainant whereas thumb impressions of the appellants Nos. 1 to 3 with the required stamp of Assistant Superintendent Central Prison/Correctional Facility Khairpur is also present.

2. Complainant present states that he has been handed over the possession of the land and amount as such he is satisfied and on acquiring satisfaction he has entered into compromise having no

objection for acquittal of the appellants and withdrawal of his complaint.

3. Learned Additional P.G present states that though Illegal Dispossession Act does not provide for compounding. Reliance is available from the case of Akhter Hussain vs. Station House Officer Sachal Karachi and 22 others (2020 P.Cr.L.J 20) wherein J. Muhammad Saleem Jessar was pleased to hold that on account of Section 9 of the said Act providing applicability of Criminal Procedure Act 1898, section 345 Cr.P.C is available for entertainment of this application.

4. Having heard learned counsel for the parties and gone through the record.

5. In the above circumstances the application is found liable to be allowed. In the referred case apparently the compromise was agreed to which was allowed by way of the said authority and based upon of the understanding acquired therein, whereas in the present case wherein the complainant has given satisfaction is having a better footing as he even requires to withdraw the complaint on account of being satisfied. In presence of referring above authority, no further support is required and even otherwise it is liable to be considered that a party having right to withdraw no ground is otherwise is found available to continue with the proceedings as the conclusion in the matter is limited to the dispute between the private parties.

6. For the forgiven reasons, both applications for compounding the offence as well as acceptance of compromise between the parties, filed by both the parties stand allowed and the compromise is accepted

between the parties. Appellants namely Bahadur, Datter Dino and Qasim who are in custody are required to be released of sentencing, they shall be released forthwith in the above case if they are not required in any other custody case.

Irfan/PA

JUDGE

