

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Crl. Appeal No. S- 79 of 2017.

Date of hearing

Order with signature of Judge

11.03.2019.

1. For orders on office objections.
2. For hearing of main case.

Mr. Safdar Ali G. Bhutto, Advocate for appellants.

Mr. Muhammad Qasim Khan, Advocate for complainant.

Mr. Muhammad Noonari, D.P.G.

At very outset learned counsel for the appellants submits that, the parties have mutually settled their dispute on intervention of their elders and Nekmards in terms settled in the agreement dated 05.3.2019 signed and executed between the parties. A photocopy of agreement has been filed by the learned counsel for parties under cover of their joint statement dated 11.3.2019, which is taken on record. In view of above position, the learned counsel for parties seek disposal of the appeal.

The complainant / respondent No.1, who is also present in person affirms above contention of learned counsel and extends his no objection for disposal of the appeal. Learned D.P.G. appearing for the State also extends no objection to disposal of appeal.

The complainant/ respondent No.1 has categorically stated through his counsel for non-pursuing the case, as according to him, his grievance stand ventilated.

No doubt, there is no specific provision, provided by the legislature under Illegal Dispossession Act, 2005, for compromise, but when the parties, particularly the aggrieved party, does not want to prosecute the appellant/ accused or pursue their case, in such a situation, there is no option but to acquit the appellants/ accused of the charges except the surrender of the possession of the disputed land to the complainant. In this



regard, reference can be had from the case of *ASHIQUE SOLANGI and another v. The State* (PLD 2008 Karachi 420).

Since, grievance of the complainant/ respondent No.1 stands redressed and ventilated, the impugned judgment stands complied with. Moreover, the complainant/ respondent No.1 do not want to pursue the matter anymore.

Accordingly, the impugned judgment dated 12.09.2017 passed by learned 1st Additional Sessions Judge, Kandhkot in Direct Complaint No.97/2016, is set-aside. Consequently, the appellants are hereby acquitted of the charge (s). They are present on bail; their bail bonds stand cancelled and surety discharged.


JUDGE

Ansari/*