

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

Criminal Appeal No.553 of 2023

Date	Order with Signature of Judge(s)
Disposed of matter	
1.For hearing of M.A No.15045/2026 [u/s 345(6) Cr.PC]	
2.For hearing of M.A No.15046/2026 [u/s 345(2) Cr.PC]	

29th September, 2026

Mr. Ghulam Fareed Baloch, Advocate for the applicant
Mr. Siraj Ahmed Khan Chadio, Addl: P. G., Sindh
Complainants/Respondents *Laiba* and *Asma* are present in person

>>>>> <<<<<

Perusal of record reveals that appellant Bilal Ahmed, by filing instant appeal, had assailed the judgment dated 25.10.2023 passed by the learned Additional Sessions Judge-XI, Karachi (South), in I.D. Complaint No.1542 of 2023 (Re: *Laiba* and another v. Bilal and another), whereby he was convicted under Section 265-H(ii), Cr.P.C. for an offence under Section 3(2) of the Illegal Dispossession Act, 2005, and sentenced to suffer simple imprisonment for two years and to pay a fine of Rs.50,000/-, with a further sentence of three months' simple imprisonment in default of payment of fine. He was also directed to pay Rs.100,000/- as compensation to the complainants. The learned trial Court further directed restoration of possession of the subject flat to Complainant No.1 under Section 8 of the Illegal Dispossession Act, 2005.

Record further reveals that after hearing the parties and the learned Additional Prosecutor General, Sindh, instant appeal was dismissed vide short order dated 31.08.2026 followed by detailed reasons dated 02.09.2026 and the appellant, who was present on bail, was taken into custody and remanded to Central Prison, Karachi, to serve the remaining sentence.

Now complainants/respondents have filed applications under Sections 345(6) and 345(2), Cr.P.C. vide M.A Nos.15045 & 15046 of 2026 respectively, along with their respective affidavits, stating that the matter has been amicably settled. Both complainants are present in person and state that possession of the property has been restored to Complainant No.1 and that, having voluntarily forgiven the appellant, they do not wish to prosecute him further and have no objection to his acquittal.

Learned counsel for the appellant submits that possession has been peacefully restored to the complainants and undertakes that the appellant shall maintain peace and harmony and shall not take the law into his own hands. Learned Deputy Prosecutor General, Sindh, has also recorded no objection to the compromise, relying upon *Akhter Hussain v. Station House Officer, Sachal, Karachi and 2 others*, reported as 2020 P.Cr.L.J. Note 20.

I have considered the submissions and examined the record.

Section 9 of the Illegal Dispossession Act, 2005 provides that, unless otherwise provided in the Act, the provisions of the Code of Criminal Procedure, 1898 shall apply to proceedings under the Act. The Act contains no specific provision dealing with compounding of the offence; therefore, the provisions of Section 345, Cr.P.C. are attracted. The question of compromise in proceedings under the Illegal Dispossession Act, 2005 has already been considered by this Court in *Akhter Hussain v. Station House Officer, Sachal Karachi and 2 others*, reported as **2020 PCr.L.J. Note 20**, wherein it was held that, in view of Section 9 of the Act, the compromise between the parties could be treated in terms of Section 345, Cr.P.C. The Court, taking into consideration restoration of possession and the voluntary settlement between the parties, accepted the compromise and acquitted the appellant.

In present case, both complainants/respondents are present before the Court and have unequivocally stated that the dispute has been amicably settled down, possession of the property has also been restored, and they have voluntarily forgiven the appellant and have no objection to his acquittal. Their statements are duly supported by their affidavits. Nothing has been brought on record to suggest that the compromise is result of coercion, undue influence or pressure. In the circumstances, it is crystal clear that compromise is voluntary, genuine and lawful. Accordingly, the compromise applications under Sections 345(6) and 345(2), Cr.P.C. vide M.A Nos.15045 & 15046 of 2026 respectively, are allowed. The appellant is acquitted of the charge by way of compromise. Since the appellant is in custody; therefore, he shall be released forthwith, if his custody is not required in any other case.

The applications stand disposed of in the above terms.

Judge
Head of Const. Benches