

**.ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT**  
**HYDERABAD**

Cr. Appeal No.S-43 of 2022  
Cr. Appeal No.S-45 of 2022

| <b>DATE</b> | <b>ORDER WITH SIGNATURE OF JUDGE(S)</b> |
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25.11.2022

Mr. Mir Shakir Ali Talpur, Advocate for appellants in Criminal Appeal No.S-43 of 2022 a/w appellants (on bail).

Mr. Muhammad Naeem Faiz, Advocate for appellant in Criminal Appeal No.S-45 of 2022 a/w appellant (on bail).

Mr. Abdul Waheed Bijarani, Assistant P.G.

Complainant is present in person.

**ORDER**

Through instant Criminal Appeals, appellants Roshan Ali Shah, Zubair Ali Shah have assailed the judgment dated 15.02.2022 passed by learned VIIIth Additional Sessions Judge, Hyderabad in I.D Complaint No.49 of 2017 (Re: Tanveer Ahmed Qazi v. Roshan Ali Shah & another) whereby they have been convicted under Section 3(i) & (ii) of Illegal Dispossession Act, 2005 and sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.100,000/- each, in default thereof, to suffer S.I for one month more.

During pendency of instant appeals, both the parties have filed applications under Sections 345(2) & 345(6) Cr.P.C separately in both appeals alongwith respective affidavits and the contents of such affidavits are affirmed by them. The applications are already listed by the office in Criminal Appeal No.S-45 of 2022; however, the applications filed today by the parties in Criminal Appeal No.S-43 of 2022 are taken on record. The office shall allot numbers thereto accordingly.

The complainant / respondent Tanveer Ahmed Qazi is present in person and submits that property in dispute has been handed over to him; therefore, he with core of his heart has forgiven the appellants; as such, have filed listed applications jointly and does not want to prosecute the appellants

anymore. He; however, records no objection if listed applications are allowed and appellants are acquitted of the charge.

The appellants, who are present in person on bail, also submit that they have already put the complainant under peaceful and vacant possession of the land in suit and further they will not take law in their hands and will maintain harmony, peace and tranquility in the area. Hence, they submit that by granting listed applications the appeals may be disposed of and they may be acquitted of the charges.

Learned Assistant P.G Sindh present in Court waives notice of the listed applications and while placing his reliance upon the case of AKHTER HUSSAIN v. STATION HOUSE OFFICER SACHAL KARAH I and 02 others reported in 2020 P.Cr.LJ Note 20, records her no objection, if listed application are granted.

Since the possession of land in dispute has been handed over to respondent/complainant; therefore, the complainant does not want to prosecute appellants anymore; hence, he has entered into compromise with the appellants and has raised no objection for grant of listed applications as well disposal of the appeals accordingly. Learned A.P.G has also extended her no objection.

In view of above, it is observed that compromise entered into between the parties appears to be genuine, lawful and without any pressure or coercion from any side and that complainant has voluntarily forgiven the appellants / accused. Therefore, keeping in view the cordial relations between the parties in future, the compromise applications under Section 345(2) Cr.P.C are hereby granted and applications under Section 346(6) Cr.P.C are accepted in both appeals. Consequently, impugned judgment dated 15.02.2022 is set aside and resultantly appellants are acquitted of the charges. They are present on bail; their bail bonds stand cancelled and surety(ies) is / are hereby discharged.

In view of above, both the appeals are disposed of accordingly. Office to keep the copy of order in connected file.

**JUDGE**

