

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Appeal No.S-51 of 2017

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DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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26.09.2022

Mian Taj Muhammad Keerio, advocate for appellant along with appellant on bail.

Complainant present in person.

Ms. Safa Hisbani, Assistant Prosecutor General.

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O R D E R

**MUHAMMAD IQBAL KALHORO, J:-** Appellant was convicted and sentenced to suffer RI for 03 years and to pay fine of Rs.10000/-, in default thereof, to suffer SI for one month more by learned 5<sup>th</sup> Additional Sessions Judge Hyderabad in I.D Complaint No.03 of 2015 (Re: Masroor Ahmed Brohi versus Abdul Kareem Memon and others), vide impugned judgment dated 06.03.2017. He has preferred instant appeal against which before this Court, and has been admitted for regular hearing.

During pendency of this appeal, the complainant and the appellant have compromised the matter outside the court in the name of Almighty Allah and on the intervention of nekmards of the locality. Therefore, today, they have filed applications under section 345(2) & 345(6) Cr.P.C seeking compounding of the offence and resultant acquittal of the appellant, which are taken on record and office is directed to allot number to these applications.

Learned counsel for the appellant submits that the offence is compoundable and complainant has pardoned the appellant, therefore, compromise application may be accepted and the appellant may be acquitted in terms of compromise.

Learned Assistant PG after going through the compromise applications has no objection if compromise application is accepted.

I have heard the learned counsel for the parties, and complainant in person, who has confirmed factum of compromise and his pardon to the appellant and that he has no objection to acquittal of the appellant, and examined the file minutely.

In view of above, the compromise between the parties appears to be genuine and not the result of any coercion. The compromise is likely to promote harmony between them and peace in the society. There appears to be no impediment legal or otherwise in accepting the compromise between the parties. Accordingly, the application under Section 345(2) Cr.PC is accepted. The parties are allowed to compound the offence. Resultantly, the application under Section 345(6) Cr.P.C. is also allowed. The appellant is acquitted in view of the compromise arrived at between the parties. Resultantly, the conviction and sentence awarded by the trial court is set-aside. The appellant is on bail, his bail bonds stand cancelled and surety discharged.

The instant appeal stands disposed of accordingly.

JUDGE

