

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Appeal No. 371 of 2017**

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*Date* *Order with signature of Judge*

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1. For orders on office objection.
2. For hearing of Main Case.
3. For hearing of M.A No.8494/2017.

**04.09.2023**

Mr. Mateeullah, Advocate along with Appellant No.1 (on bail).  
Ms. Seema Zaidi, Addl. Prosecutor General, Sindh along with SIP Deedar Hussain of P.S Sujani Town, Karachi.  
Mr. Kashif Khan Tanoli, Advocate along with Complainant / Respondent No.2.

**ORDER**

**Muhammad Saleem Jessar, J:-** Through instant Criminal Appeal, appellants Chanoo Chaman and Mst. Samina @ Sumi have assailed the judgment dated 15.08.2017 passed by learned Additional Sessions Judge-VIII, Karachi (West) in Direct Complaint No.23 of 2012 (Re: Mst. Hameeda Versus Chanoo Chaman and another) whereby they were directed to hand over peaceful and vacant possession of the subject property to complainant within 15 days. Besides, they were directed to pay compensation of Rs.50,000/- each to complainant.

2. In continuation of earlier order, the perpetual NBWs issued against appellants have been returned duly served by SIP Deedar Hussain of P.S Surjani Town, Karachi, taken on record. Appellant No.1 Chanoo Chaman is present along with his counsel; whereas, appellant No.2 Mst. Samina @ Sumi, as reported, is not feeling well, therefore, counsel seeks condonation of her absence.

3. Learned counsel submits that since the parties have entered into compromise outside the Court and therefore, the possession of disputed property has also been restored to respondent No.2 / complainant. Therefore, they have submitted joint applications duly signed by appellant No.1 as well as respondent No.2, the complainant; hence, NBW issued against appellants may be recalled / vacated. Complainant / respondent No.2 Mst. Hameeda present in person, admits that possession of the property in dispute has been handed over to her and she has also entered into compromise with the appellants, therefore, she will have no objection if the NBW issued against them may be recalled/vacated. She further submits that since the possession of the property in dispute has been handed over to her, therefore, she has signed joint applications in terms of Section 345(2) Cr.P.C and 345(6) Cr.P.C supported by their respective Affidavits before the Court and

records her no objection for compromise as well as acquittal of both the appellants from the charges. Accordingly, office shall assign numbers to these applications as per institution.

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

5. Since the possession of land in dispute has been handed over to complainant; therefore, the complainant does not want to prosecute the appellants anymore; hence, she has entered into compromise with the appellants voluntarily and has raised no objection for grant of these applications as well disposal of the appeal accordingly. Learned Addl. P.G has also extended his no objection.

6. 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 application under Section 345(2) Cr.P.C is hereby granted and application under Section 346(6) Cr.P.C is accepted. Since, the appellant No.1 is present; whereas, appellant No.2, due to her ailment, is not in attendance; however, respondent No.2/complainant has entered into compromise with both the appellants. Therefore, appellant No.1 who is present on bail, is acquitted of the charges by way of compromise and the appellant No.2 who is called absent, is also acquitted of the charges by way of compromise, in absentia. Both the appellants were bailed out, therefore, their bail bonds stand cancelled and surety(ies) furnished by them is also hereby discharged.

7. Learned counsel for the appellants further submits that CNICs of the appellants were blocked; hence, same may be directed to be opened / unblocked. Learned Addl. P.G, Sindh has no objection. Since the main appeal has been disposed of, and appellants have been acquitted of the charges by way of compromise, therefore, directions issued under previous order dated 07.04.2023 regarding blockage of their CNICs is hereby modified/recalled. Accordingly, NADRA officials be directed to unblock the CNICs of the appellants, under intimation to this Court.

Appeal stands disposed of in above terms.

**JUDGE**