

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Appeal No. 611 of 2018

Date *Order with signature of Judge*

For hearing of Case.

18.09.2024

Mr. Muhammad Shohban Solangi, Advocate a/w Appellant (on bail).
Ms. Rubina Qadir, Deputy Prosecutor General, Sindh along with PI Arshad
Ali of PS Darakhshan, Karachi.
Respondent No.1 is present in person.

ORDER

Muhammad Saleem Jessar, J:- Through instant Criminal Appeal, appellant Muhammad Umer Qazzafi has assailed the judgment dated 10.11.2018 passed by learned Additional Sessions Judge-VIII, Karachi (West) in I.D Complaint No.46 of 2016 (Re: Muhammad Salman v. Muhammad Uma Qazafi) whereby he has been convicted under Section 265-H(ii) Cr.P.C read with Section 3(ii) of Illegal Dispossession Act, 2005 and sentenced to suffer simple imprisonment for 05 years and to pay fine of Rs.500,000/- to be paid to complainant, in default of which, to suffer R.I for six months more.

2. During pendency of instant appeal, both parties have compromised the matter outside the Court and in this regard they have filed applications under Sections 345(2) & 345(6) Cr.P.C alongwith respective Affidavits before the Court; taken on record. Accordingly, office shall assign numbers to these applications. However, the contents of such Affidavits are affirmed by them.

3. Mr. Muhammad Anees, Advocate files his Vakalatnama on behalf of the complainant, taken on record. He submits that property in dispute has been handed over to the complainant; therefore, the complainant with core of his heart has forgiven the appellant; hence, they have filed compromise applications jointly and does not want to prosecute the appellant anymore. Learned Counsel for complainant; however, under instructions records no objection if these applications are allowed and appellant is acquitted of the charge.

4. The appellant, who is present in person on bail, also submit that he has already put the complainant under peaceful and vacant possession of the land in suit and further he will not take law in his hands and will maintain harmony, peace and tranquility in the area. Hence, he submits that by granting compromise applications the appeal may be disposed of and he may be acquitted of the charges.

5. Learned Deputy 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 KARAH I and 02 others reported in 2020 P.Cr.LJ Note 20, records his no objection, if applications are granted.

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

7. 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 appellant / 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. The appellant is acquitted of the charges by way of compromise. He is present on bail; his bail bonds stand cancelled and surety is hereby discharged.

Appeal stands disposed of in above terms.

JUDGE

Zulfiqar/P.A