

IN THE HIGH COURT OF SINDH AT KARACHI

PRESENT:

Mr. Justice Amjad Ali Sahito

**Criminal Appeal No.380 of 2023
Criminal Appeal No.353 of 2023**

Appellants : Khursheed Anwar @ Arshi S/o
Muhammad Ismail [in Appeal No.380/2023]
Javed S/o Bansilal [in Appeal No.353/2023]
through Mr. Abdul Majid, Advocate

Complainant : Muhammad Rehan Amin S/o
Muhammad Amin
through Mr. Nadeem Memon, Advocate

Respondent : The State
through Ms. Rahat Ahsan, Addl. P.G.,

Date of hearing : 03.03.2025

Date of Judgment : 03.03.2025

J U D G M E N T

Amjad Ali Sahito, J.- I intend to dispose of both the Criminal Appeals filed by the appellants by impugning common judgment dated 06.07.2023 passed by the learned trial Court / Additional Sessions Judge-III, Karachi East in I.D. Complaint No.150/2021; whereby the appellants named above were convicted for committing offence under Section 3(2) of Illegal Dispossession Act, 2005 and sentenced them to suffer R.I. for three years and to pay fine of Rs.100,000/- each. In case of default of payment of fine, they shall further undergo S.I. for two months more. Both the accused were directed to pay compensation of Rs.15,000/- per month each since the dates of their illegal occupation till delivery of possession back to the complainant. In compliance of Section 8(2) of the Illegal

Dispossession Act, 2005 the SHO of PS KIA is directed to restore the possession of the subject to the complainant.

2. At the very outset, learned counsel for the respondent / complainant stated that name of the complainant has wrongly been written as Muhammad Rehman Amin instead of Muhammad Rehan Amin; as such, office is not accepting the affidavit. In such situation, Identification Branch was directed to receive the affidavit from Muhammad Rehan Amin and subsequently the affidavit has been sworn in alongwith application. However, name of the complainant shall be treated as Muhammad Rehan Amin instead of Muhammad Rehman Amin in the impugned judgment dated 06.07.2023.

3. During pendency of instant appeal, parties have entered into compromise due to intervention of *nekmards* and filed such application, which is supported by the affidavit of complainant Muhammad Rehan Amin S/o Muhammad Amin duly verified by NADRA. The complainant raises no objection for acquittal of the appellants. The compromise application is also supported with the affidavit of complainant.

4. Learned Addl. P.G. Sindh appearing on behalf of State contends that he has no objection for acquittal of the appellants in view of compromise arrived at between parties.

5. Since the complainant has extended his no objection for acquittal of the appellants on account of settlement due to intervention of *nekmards* of the vicinity in order to keep cordial relations. The offence is compoundable and learned Addl. P.G. Sindh has extended no objection. In such circumstance, the impugned judgment is set aside and the compromise between the parties is accepted and appellants are acquitted of the charge under section 345 (6) Cr.P.C. Appellants are presently on bail, their sureties are discharged. Office is directed to return the surety submitted by the appellants in both the appeals after proper verification and identification.

6. The instant Criminal Appeals preferred against the impugned judgment stand disposed of. Office is directed to return R&Ps of the case to the learned trial Court.

JUDGE

Kamran/