

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
***Criminal Appeal No.S-13 of 2024***  
***Criminal Jail Appeal No.S-09 of 2024***

1. For orders on office objection at flag `A`
2. For orders on MA No.1033/2024
3. For orders on MA No.4279/2024
4. For orders on MA No.4280/2024
5. For orders on MA No.4281/2024
6. For hearing of main case

**14-7-2025**

Mr. Shoaib Niaz Khaskheli, Advocate for the Appellant  
Mr. Shafi Muhammad Bhanbhro, Advocate for legal heirs of deceased  
Mr. Muhammad Raza Katohar, Prosecutor General

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**Muhammad Jaffer Raza, J:-** Through captioned criminal appeals, Appellant/accused Anwar Ali impugned the judgment dated 15.2.2024, passed by learned Additional Sessions Judge-I/MCTC, Khairpur, in Sessions case No.984/2018 (*Re-The State vs Asif Ali and another*), whereby the learned Judge convicted and sentenced the appellant/accused for offence u/s 302(b) PPC to suffer imprisonment for life as Tazir and to pay an amount of Rs.500,000/- as compensation to the heirs of deceased Mst. Shamshad @ Kaki in terms of section 544-A(1) Cr.P.C or in default thereof to suffer S.I for one year more and benefit of section 382-B, Cr.P.C was also awarded to him

2. During pendency of the instant criminal appeals, the appellant as well as legal heirs of deceased Mst. Shamshad @ Kaki, filed applications under section 345(2) & 345(6) Cr.P.C, along with affidavits of major legal heirs of deceased namely Khan Muhammad, Afzal, Mst. Reema, Mst. Seema, and Mst. Sumia, who are husband, son and daughters of the deceased. They all appeared in court and have admitted the contents of application for permission to compound the offence and compromise application. They have further stated that they have no objection if compromise arrived between the parties is accepted and the appellant/accused is acquitted of the charge. Khan Muhammad the husband of deceased, being natural guardian of minors namely Shayan Ali and Aashan Ali (sons) stated so on behalf of the minors as well. The Applications were also sent to the trial court for holding enquiry into the genuineness of the compromise effected between the parties. The learned trial Court/ Additional Sessions Judge-I/MCTC, Khairpur, after conducting such enquiry submitted its report dated 22.4.2024, that per report of concerned

Mukhtiarkar, NADRA, Secretary Union Counsel and SHO the above named persons are legal heirs of the deceased and they have entered into compromise with the accused voluntarily without any fear, pressure or any inducement and have forgiven the accused in the name of “Almighty Allah”

3. The husband of the deceased Mst. Shamshad also filed an application u/s 345(4) Cr.P.C for permission to compound the offence on behalf of minor legal heirs namely Shayan Ali and Aashan Ali, which was allowed.

4. Heard learned counsel for the appellant, learned counsel for complainant and learned Deputy Prosecutor General and perused the record.

5. Perusal of record reveals that the major legal heirs namely Khan Muhammad Afzal, Mst. Reema, Mst. Seema and Mst. Sumia, who are husband, son and daughters of the deceased while Khan Muhammad husband of the deceased on behalf of minors Shayan Ali and Aashan Ali (sons) also being their natural guardian, is competent to compound/compromise the offence with the appellant/accused. They stated that they have entered into a compromise with the present appellant/accused and have pardoned and forgiven him in the name of Almighty Allah with their free will and without any pressure, compulsion or coercion. They further stated that they have waived their right of Qisas and Diyat against the present appellant and have recorded their no objection if the appellant/accused is acquitted.

6. The compromise arrived between the parties on the very face of it appears to be genuine and true, without any inducement or pressure. Considering the genuines of the compromise, I feel no hesitation to accept the same as the offences punishable u/s 302 PPC is compoundable.

7. Keeping in view of the above facts and circumstances, the compromise arrived between the parties is hereby accepted. Consequently, appellant is hereby acquitted u/s 345(6) Cr.PC in the above case/crime. He be released forthwith if not required in any other custody case. However, appellant is directed to deposit the Diyat amount as per share of minor legal heirs Shayan Ali and Aashan Ali (sons) within 30 days before the Accountant of this court. The Accountant of this Court is directed to invest the money in some profitable scheme for the benefit of the minors until they attain the age of majority at which point they shall be able to redeem the Diyat amount and any profits thereof. If the amount is not deposited by the appellant, same shall be recovered as arrears of the land. Accountant is also

directed to calculate the share of diyat amount of the said minors and receive the same as per their shares.

8. The criminal appeals along with applications u/s 345(2) & 345(6) Cr.P.C, and all other listed applications stand disposed of in the above terms.

Office is directed to place a signed copy of this order in the captioned connected Cr.Jail Appeal.

**JUDGE**

SulemenKhan/PA