

ORDER SHEET
**HIGH COURT OF SINDH CIRCUIT COURT,
HYDERABAD**

Cr. Appeal No.S-69 of 2025

DATE

ORDER WITH SIGNATURE OF JUDGE

21.05.2026

Mr. Zulqernain Talpur, advocate for appellants

Mr. Siraj Ahmed Sangi advocate a/w complainant
Ghulam Mustafa and Saddam

Mr. Altaf Hussain Khokar, Deputy Prosecutor General

By means of this appeal, the appellants have impugned the judgment dated 18.07.2025, penned down by learned Additional Sessions Judge Sehwan in Sessions Case No.144 of 2023 (*Re: The State versus Murad and Others*) arising out of Crime No.01 of 2023 registered at P.S Naing Sharif for offences u/s 302, 342, 147, 148 and 149 PPC, whereby, they been convicted and sentenced as mentioned in paragraph No.23 of the impugned judgment.

2. The appeal was admitted for regular hearing but during pendency of the appeal, the parties have compromised the matter out of Court on intervention of Nekkards of locality, therefore, they filed applications u/s 345(5) & 345(6) Cr.PC, seeking compounding of the offence and in result whereof release of the appellants. The said applications were sent to Trial Court for conducting an inquiry in respect of the legal heirs of deceased, recording of their statements and to ascertain genuineness of compromise. Learned Trial Court has submitted its reports dated 22.01.2026 and 12.05.2026 alongwith statements of complainant as well as all legal heirs of deceased including the statement of guardian appointed for minor Saddam Hussain. A perusal of statements of legal heirs of deceased reflects that they have entered into compromise with appellants without any force and coercion and have given up their right of Qisas and Diyat and they have no objection if the appellants are acquitted.

3. Learned counsel for the appellants submits that all the legal heirs have pardoned the appellants/accused in the name of Almighty Allah and have given up their right of Qisas and Diyat and they have no objection if the appellant is acquitted. So for as minor legal heir Saddam Hussain is concerned, complainant was appointed as Wali and guardian ad-litem, who got recorded his statement and pardoned the appellants so also waives the

right of Qisas and Diyat on behalf of the minor as well. Learned counsel for the appellants further submits that all the sections applied in FIR are compoundable, therefore, there is no legal impediment if the compromise is accepted and appellants are acquitted and the same will bring peace and harmony between the parties.

4. Learned D.P.G, assisted by learned counsel for the complainant, after going through the compromise application, inquiry report submitted by learned Trial Court alongwith statements, submits that entire exercise carried by Trial Court is in accordance with law, hence he has no objection if the compromise is accepted.

5. In view of above, the compromise between the parties appears to be genuine and not the result of any coercion. Further, the compromise is likely to promote harmony between the parties and peace in the society, hence, there appears to be no impediment legal or otherwise in accepting the compromise between the parties. Accordingly, the application under Section 345(5) is accepted and parties are permitted to compound the offence. Consequently, the application under Section 345(6) Cr.P.C. is also allowed and the appellants are acquitted of the charge. Resultantly, the conviction and sentence awarded to the appellants by the Trial Court through impugned judgment is set-aside. The appellants are in jail; they shall be released forthwith if not required in any other case.

The instant appeal stands disposed of accordingly.

JUDGE