

**IN THE HIGH COURT OF SINDH CIRCUIT COURT  
HYDERABAD**

Criminal Appeal Application No.S-56 of 2016

For hearing of main case.

**07.04.2023.**

Mian Taj Muhammad Keerio, Advocate for appellant along with appellant present on bail.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Complainant Mst. Haleema present in person.

Learned trial Court / Sessions Judge, Badin convicted appellant Abdul Karim for the offence under section 498-A and 506/2 PPC registered at PS Badin, by the complainant Mst.Haleema and was sentenced him for the offence under section 498-A PPC to suffer R.I. for five years and for the offence under section 506/2 PPC to suffer R.I. for three years. However, both the sentence were ordered to run concurrently. Against his conviction, the applicant preferred instant Criminal Appeal.

**2.** Learned counsel for the applicant states that the appellant and complainant are brother and sister to each other and they have entered into compromise and settled their dispute outside the Court on the intervention of notable persons of locality and the complainant has pardoned/forgiven the appellant on the name of almighty Allah without any fear, force and with freewill. The parties have also filed such applications under sections 345 (5) Cr.P.C. and 345 (6) Cr.P.C. supported with the affidavit of appellant and complainant duly verified by the NADRA. Office is directed to assign numbers to the said applications. Learned counsel for the appellant states that though the section 498-A PPC is not compoundable; however, from the fact of record as well as from the perusal of impugned judgment, the same section is

not applicable in this case. Complainant present in person has reiterated his affidavit filed in support of compromise applications and admitted the contents thereof and her RTI to be correct and genuine. Learned counsel for complainant has raised no objection. Learned A.P.G. has also raised no objection for acceptance of the compromise between the parties on the ground that they are brother and sister to each other.

**3.** Heard and perused the record carefully. After meticulous scrutiny of the record, it appears that there appears no formation of the offence under section 498-A PPC. However, learned trial Court has also awarded conviction and sentence for the same. The conviction and sentence awarded by the learned trial Court for the said offence, in the circumstances, is set aside. Whereas, the offence under section 506 (2) PPC is compoundable and compromise between the parties appears to be without pressure or coercion, as such, permission to compound the offence is accorded. As a result whereof, compromise is accepted and the appellant is acquitted of the charge under section 345 (6) Cr.P.C. Appellant is present on bail. His bail bonds stand cancelled and surety discharged. Office is directed to return the surety papers to the surety in person after proper verification and identification.

Criminal Appeal stands disposed of.

JUDGE