

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Misc. Application No. S-449 of 2022

(Wali Muhammad others Vs. The State & others)

1. For Orders on office objection.
2. For hearing of main case.

28-11-2023.

Syed Zaffar Ali Shah, advocate for the applicant.
Mr. Achar Khan Gabole, advocate for the complainant.
Mr. Shafi Muhammad Mahar, Deputy P. G for the State.

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IRSHAD ALI SHAH, J;- The facts in brief necessary for disposal of instant Crl. Misc. Application are that the applicant has impugned order dated 06-08-2022 passed by learned Ist Additional Sessions Judge/MCTC, Naushahro Feroze, whereby compromise application filed by the parties involved in a case outcome of FIR/Crime No. 91/2009 u/s 302 PPC of PS Tharu Shah was dismissed for the reason that mother of the deceased is not consenting to such compromise.

2. It is stated by learned counsel for the applicant that he would not press the instant Crl. Misc. Application on merits provided learned trial Court is directed to pass the fresh order by considering the directions of Supreme Court of Pakistan laid down in case of *Muhammad Farooque Vs. The State (2008 SCMR 265)*, which is not opposed by learned DPG for the State and learned counsel for the complainant.

3. Heard arguments and perused the record.

4. In view of above, the impugned order is set aside with direction to learned trial Court to pass the same afresh by considering the guidelines prescribed by Supreme Court of Pakistan in case of *Muhammad Farooque (supra)* in its true prospective, after providing chance of hearing to all the concerned.

5. The Instant Crl. Misc. Application is dismissed accordingly.

Judge

Nasim/P.A