

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Jail Appeal No. 446 of 2019

Appellant: Mst. Fizza Jafferi D/O Syed Muhammad Zakaria Jafferi,
through Mr. Mian Haad Abid, Advocate.

Criminal Appeal No. 445 of 2019

Appellant: Syed Baqar Abbas son of Syed Iqbal Hyder,
through Ms. Tehmina Ashraf, Advocate.

The State: Through Ms. Seema Zaidi, Addl. Prosecutor
General, Sindh.

Complainant: Through Mr. Muhammad Farooq, Advocate.

Date of hearing: 30.05.2024.

Date of order: 30.05.2024.

ORDER

Muhammad Saleem Jessar, J- Appellant Fizza Jafferi daughter of Syed Muhammad Zakaria Jafferi along with co-accused was tried and convicted in Sessions Case No.1806 of 2015, Re: State v. Fizza Jafferi and others, arising out of *Crime No.204/2015 of P.S PIB Colonoy, Karachi*, registered for offences punishable under Section 364, 302, 201, 109 & 34 P.P.C, vide judgment dated **19.07.2019**, passed by learned 5th Additional Sessions Judge/Model Criminal Trial Court (Extension), Karachi (East), whereby the appellant was convicted and sentenced to under Section 302 (b) PPC to suffer imprisonment or life as a Tazir and pay Rs.5,00,000/- (Rupees Five Lacs Only) as compensation under Section 544-A Cr.P.C to the legal heirs of deceased Quratul Ain. She was also convicted and sentenced to under Section 364 & 34 PPC to suffer R.I for 10 years and pay fine of Rs.100,000/- (Rupees One Lac Only) and in default of payment of fine, she was directed further to suffer S.I for five months more. Accused was also extended benefit of Section 382-B Cr.P.C.

2. Appellant Fizza Jafferi, against her conviction and sentence, filed instant Criminal Jail Appeal bearing No.446 of 2019. However, during pendency of the appeal, the appellant entered into compromise with legal heirs of deceased and such application in terms of Sections 345(5) & 345(6) Cr.P.C. were moved, which were sent to learned trial Court, for enquiry as to verify the legal heirs of the deceased as well as genuineness or otherwise of compromise effected between the parties.

3. Pursuant to directions, learned trial court submitted report dated 29.05.2024, which is available with the file. In its report, learned trial Court has mentioned that during course of enquiry reports with regard to legal heirs of deceased from concerned SHO and NADRA authorities were called. The learned trial Court has further mentioned that during enquiry proceedings, statements of major legal heirs of deceased were recorded, who affirmed the fact of compromise between them.

4. Moreover, the deceased was unmarried as well as issueless, therefore, as per Family Registration Certificate, she has left in all four legal heirs, namely, Mst. Riffat Zehra (mother), Syed Murtaza Raza Rizvi (brother), Masooma Rizvi (sister) and Syed Irtiza Raza Rivi (minor brother).

5. All major legal heirs of the deceased also appeared before this Court and categorically stated that they have pardoned the appellant in the name of Almighty Allah, and waived off their right of "*Qisas & Diyat*".

6. Mst. Riffat Zehra mother of deceased is present before the Court and affirms the contention of compromise effected between them as well as accused/appellant.

7. Learned counsel for the appellant submits that the offence is compoundable, the compromise effected between the parties is genuine one, therefore, they may be allowed to live peacefully by maintaining law and order as well as tranquility within the vicinity.

8. Learned Addl. P.G appearing for the State, in view of above, records her no objection, if listed application(s) are allowed.

9. Since, mother of deceased present in person who is competent to compromise with accused/convict, affirms the compromise effected between them as well as accused/appellant, therefore, there will be no impediment to allow the same. Report furnished by the trial Court reveals

that compromise between the parties appears to be voluntary, genuine and without any duress or coercion, therefore, permission to compound the offence is accorded to the parties, and in result whereof compromise between the parties is hereby accepted and appellant Mst. Fizza Jafferi daughter of Syed Muhammad Zakaria is acquitted of the charge(s) in terms of compromise. The appellant Fizza Jafferi is present on bail; her bail bond is canceled and surety is hereby discharged.

10. The instant appeal bearing No.446 of 2019 alongwith listed application(s) stand disposed of in the above terms.

11. Learned counsel for the appellant in connected Criminal Appeal bearing No.445 of 2019 seeks time for preparation. At her request, which is not opposed by the other side, it is hereby adjourned to **21.08.2024**.

Office to place a copy of this order in the connected appeal.

JUDGE

Zulfiqar/PA