

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Appeal No.332 of 2013**

Date	Order .with signature of Judge
1. For orders on office objection at Flag-A	
2. For hearing of M.A. No.1864/2014	
3. For hearing of case	

06.07.2017

Mr. Ashraf Sammo, Advocate along with appellants
Mr. Islam Leghari, Advocate
Ms. Seema Zaidi, A.P.G.

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Appellants were convicted and sentenced to suffer R.I. for two years and to pay Rs.10,000/- as compensation to the complainant, in default of which to suffer three months R.I. more vide impugned judgment dated **29.11.2013** for committing offence under Section (2) of the Illegal Dispossession Act, 2005 in Private Complaint No.03/2011. By means of this appeal they have impugned their conviction and sentence. Record reflects that during pendency of this appeal, they were granted bail by this Court vide order dated **08.02.2014**.

Today the appellants along with their Counsel and the son of the complainant namely Agha Zulfiqar Ali have appeared and have filed applications under Section 345(2) Cr. P.C; and 345(6) Cr. P.C. seeking permission of the Court to compound the offence and to acquit the appellants. Agha Zulfiqar Ali, who is son of the complainant has submitted the death certificate of his father, the original complainant, and power of attorney on behalf of the remaining legal heirs, he has stated that he has compromised with the appellants due to outside-the Court-settlement and has no objection if the appellants are acquitted of the charge. He has further informed that there was a civil litigation between the parties over the same subject matter in F.C. Suit No.37/2011 pending before the Senior Civil Judge, Thatta, in which the appellant No.1 was plaintiff and he and his other family members were defendants. According to him that suit has also ended in compromises between the parties vide compromise decree dated 22.09.2015. He has submitted a Photostat copy of compromise application U/o 23 Rule 3 CPC as well as a Photostat copy of such decree. In support of the above stated applications the parties have submitted their affidavits, the contents of which they have confirmed today in the Court.

Appellants were convicted in Private Complaint No.03/2011 filed by father of Agha Zulfiqar Ali namely Agha Akbar Ali Khan on the allegations that they had occupied complainant's agriculture land bearing survey Nos. 71, 73 and 75 admeasuring about 10-12 in Deh Bhalki, Tapo Karampur, Taluka Mirpur Sakro, District Thatta. The complainant has expired and his land has been inherited by his legal heirs. Agha Zulfiqar has produced the power of attorney of remaining legal heirs and has categorically stated before this Court that he has compromised with the appellants and has no objection if the appellants are acquitted.

Learned A.P.G. appearing for the State has recorded her no objection.

There is no impediment in accepting this compromise; and it would not be irrelevant to state that compromise would foster cordial relations between the parties. Accordingly, the application under Section 345(2) Cr. P.C. is allowed, as a result of which permission to compound the offence is granted. Consequently, application under Section 345(6) Cr. P.C. is also allowed. The appellants are acquitted of the charge on the basis of compromise. They are present on bail, their bail bonds are cancelled and surety discharged.

The above appeal is disposed of in the above terms.

JUDGE

Rafiq/P.A.