

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

JUSTICE MUHAMMAD HASHIM KHAN KAKAR
JUSTICE SHAKEEL AHMAD
JUSTICE ISHTIAQ IBRAHIM

**Crl. Misc.A No.461/2025 in Crl.P.L.A. No.816/2023, JP
No.210/2023 and Crl.P.L.A. No.816/2023**

(Against the judgment dated 04.05.2023 passed in Criminal Appeal No.1432/2021 and Murder Reference No.81 of 2021, passed by the Lahore High Court, Rawalpindi Bench, Rawalpindi)

Babar Hussain

(in Crl.M.A. No.461/2025 and Crl.PLA No.816/2023)

Muhammad Awais (in JP No.210/2023)

...Petitioner(s)

Versus

Muhammad Awais and another

(In Crl.M.A. No.461/2025 and Crl.PLA No.816/2023)

The State

(and in JP No.210/2023)

...Respondent(s)

For the Petitioner(s):

Mr. Fakhar Hayat, ASC
Syed Rifaqat Hussain Shah, AOR

For the State:

Mr. Irfan Zia, Addl. PG Punjab

For the Complainant :

Babar Hussain complainant in person

Date of hearing:

30.06.2025

JUDGMENT

ISHTIAQ IBRAHIM, J.- Petitioner Muhammad Awais along with co-accused Zulqarnain (since acquitted) charged for committing murder of Muhammad Nazir deceased in pursuance of a private complaint under sections 302 and 34 PPC arising out of FIR No.211 dated 20.09.2018, registered at Police Station Chauntra District Rawalpindi, after facing full dressed trial was convicted by learned Additional Sessions Judge, Rawalpindi (**"Trial Court"**), under section 302(b) PPC and sentenced to death as *Ta'azir* and to pay Rs.500000/- as compensation under section 544-A Cr.P.C. to the legal heirs of the deceased and in default thereof to further undergo six months simple imprisonment vide judgment dated 30.11.2021.

2. The learned Lahore High Court Rawalpindi Bench, Rawalpindi while partly allowing appeal of the petitioner/convict, maintained his conviction under section 302(b) PPC, however, modified his sentence from death to imprisonment for life and answered Murder Reference No.81 of 2021 sent by the learned Trial Court, in the negative vide judgment dated 04.05.2023 (**"impugned judgment"**).

3. The petitioner/convict has filed J.P No.210/2023, seeking leave to appeal against the impugned judgment while petitioner Babar Husain has filed Crl.P.L.A. No.816/2023 against the impugned judgment, seeking enchantment of sentence of the convict from life imprisonment to normal penalty of death as provided for the offence under section 302 PPC.

4. During pendency of the above petitions, Babar Hussain complainant filed Crl.M.A. No.461/2025, to the effect that compromise has been effected between legal heirs of Muhammad Nazir deceased and the convict, as a result, the legal heirs of the deceased have pardoned them in the name of Almighty Allah and have got no objection on acquittal of the convict. On 08.05.2025, the following order was passed by this court:-

"Criminal Miscellaneous Application No.461 of 2025 along with annexure, be sent to the concerned Trial Court, which is directed to verify the list of legal heirs of the deceased and record the statements of major legal heir(s) and then submit a report before this Court regarding genuineness and completion of the stated compromise arrived at between the parties. The Trial Court Judge shall also confirm as to whether the deceased was survived by any minor heir or not and if so whether the interest of the minor legal heir(s) has been secured and safeguarded or not? The said report shall reach this court within fifteen days of the receipt of this order. Re-list thereafter."

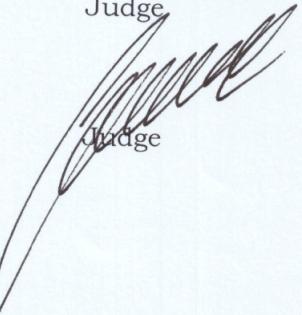
5. In compliance of the order (*supra*), the learned Trial Court after fulfilling all legal and codal formalities of the compromise, recorded statements of Mst. Gulzar Begum (widow), Tanveer Hussain and Usama Nazeer (sons) and Mst. Shamim Akhtar (daughter), and has submitted compliance report. According to the report, the above-named persons are the only legal heirs of the deceased and are all major and that on account of compromise they have pardoned the convict in the name of Almighty Allah by waiving off their rights of Qisas and Diyat having no objection on acquittal of the convict. As per report, the compromise is genuine, without any force and coercion. The list of the legal heirs and their

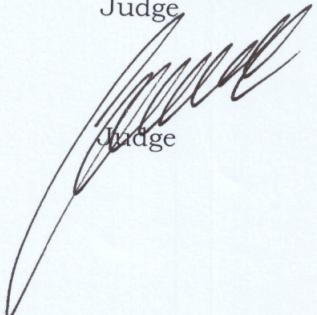
statements recorded by the learned trial Court are annexed with the report.

6. In view of the genuine compromise arrived at between the convict and the legal heirs of the deceased coupled with the fact that the offence under section 302 PPC is compoundable, the Cr.Misc. application is allowed leave is granted to compound. Consequently, JP No.210 of 2023, is converted into an appeal and is allowed. Conviction and sentence of the convict Muhammad Awais recorded through the impugned judgment of the High Court are set aside and he is acquitted from the charge on the sole ground of compromise. He be set at liberty forthwith, if not confined in any other case.

7. On acquittal of the convict/respondent Crl.P.L.A. No.816 of 2023 for enhancement of sentence has become infructuous which is dismissed.


Judge


Judge


Judge

Islamabad
30th June, 2025
Not Approved for reporting.
M.Siraj Afridi PS