

**SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**Present:**

Justice Muhammad Hashim Khan Kakar  
Justice Ishtiaq Ibrahim  
Justice Ali Baqar Najafi

**Crl. M.A No. 237-L/2024 in JP No. 233/2017, JP No. 233/2017 and Crl.PLA No. 455-L/2017**

*(Against the judgment dated 21.02.2017 in Crl.A. No.1544/2012 and Murder Reference No.368 of 2012, passed by the Lahore High Court, Lahore)*

Muhammad Qasim @ Kaka ...Applicant(s)/  
(in Crl.M.A No. 237-L/2024 and JP No. 233/2017) Petitioner(s)

Muhammad Hanif  
(in Crl.PLA No. 455-L/2017)

*Versus*

The State etc, ...Respondent(s)  
(in all cases)

For the Petitioner(s) : Mr. Ashraf Ali Javed, ASC

State : : Ms. Memoona Ehsan ul Haq, Dy.PG  
Punjab

Date of Hearing : 22.05.2025

**JUDGMENT**

**Muhammad Hashim Khan Kakar, J.-** The petitioner, Muhammad Qasim alias Kaka, along with co-accused was tried for the offence of murder of one Muhammad Pervaiz deceased in case arising out of FIR No.1257/2010 dated 27.10.2010, registered at Police Station Factory Area, under Sections 302 and 34 of the Pakistan Penal Code, 1860 (“PPC”) by the learned Sessions Judge, Ferozewala (“Trial Court”). Upon conclusion of the trial, the petitioner was convicted under Section 302(b) PPC and sentenced to death. He was further directed to pay compensation in the sum of Rs. 200,000/- to the legal heirs of the deceased in terms of Section 544-A Cr.P.C., and in default of payment thereof, to undergo six months’ simple imprisonment vide judgment dated 06.09.2012.

2. The Lahore High Court, Lahore, vide judgment dated 21.02.2017 (“impugned judgment”), while partly allowing the petitioner’s appeal, upheld his conviction under Section 302(b) PPC. However, the death sentence awarded to him by the learned Trial Court was altered to

imprisonment for life. Consequently, the Murder Reference sent by the Trial Court was answered in the negative.

3. Feeling aggrieved, the petitioner-convict filed Jail Petition No.233 of 2017 before this Court seeking acquittal, while the complainant, Muhammad Hanif, filed Criminal Petition for Leave to Appeal No.455-L of 2017 seeking enhancement of the sentence of the respondent-convict.

4. During pendency of the said petitions, the petitioner-convict filed Crl. Misc. Application No.237-L of 2024 under Section 345 Cr.P.C. on 19.03.2025, seeking permission to effect a compromise. Vide order of even date, the following direction was issued:

**"Let a copy of this Crl. Misc. be transmitted to the learned Sessions Judge, Sheikhupura for verification of the genuineness of the compromise, recording of statements of all legal heirs of the deceased, ensuring that interest of minor legal heirs, if any, are adequately safeguarded, and submission of a report within one month."**

5. In compliance with the said order, the learned Sessions Judge, Sheikhupura, submitted a verification report along with the recorded statements of Muhammad Latif (father) and Zulfiqar Ali (brother) of the deceased. As per the report, Muhammad Pervaiz deceased was unmarried and his mother predeceased him. He is survived solely by his father, who is his only legal heir. The father of the deceased has voluntarily pardoned the petitioner-convict in the name of Almighty Allah by waiving his right of *Qisas* and *Diyat*, and has raised no objection to the acquittal of the petitioner-convict. According to report the compromise is genuine and in the best interest of the parties.

6. In view of the genuine compromise arrived at between the sole legal heir of the deceased and the petitioner-convict and the offence being compoundable, the same is accepted. Consequently, Jail Petition No.233 of 2017 is converted into an appeal and is allowed. The conviction and sentence awarded to the petitioner-convict through the impugned judgment are set aside. The petitioner is acquitted of the charge solely on the basis of the compromise. He shall be released forthwith if not required to be detained in any other case.

7. As a consequence of the acquittal of the respondent-convict, Criminal Petition for Leave to Appeal No.455-L of 2017, filed by the

complainant for enhancement of sentence, has become infructuous and is accordingly dismissed.

Judge

Judge

Islamabad  
22.05.2025  
NOT APPROVED FOR REPORTING  
*M. Siraj Afridi, PS.*