

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT MAITAMA**

**BEFORE HIS LORDSHIP : HON. JUSTICE Y. HALILU**

**COURT CLERKS : JANET O. ODAH & ORS**

**COURT NUMBER : HIGH COURT NO. 14**

**CASE NUMBER : CHARGE NO: CR/187/2021**

**DATE: : THURSDAY 10<sup>TH</sup> FEBRUARY, 2022**

**BETWEEN:**

**INSPECTOR GENERAL OF POLICE .... COMPLAINANT**

**AND**

**MRS. CHINYERE AMUCHINWA IGWEGBE DEFENDANT/  
APPLICANT**

# RULING

This Ruling is predicated on a Motion on Notice filed by Defendant/Applicant counsel dated the 1<sup>st</sup> day of February, 2022 and filed on the 3<sup>rd</sup> of February, 2022, wherein the Applicant was heard praying for the following;

- a. An Order of this Honourable Court dismissing the instant criminal proceedings that is to say Charge No.: CR/187/2021 – for being an abuse of court process, and consequently discharge the Defendant/Applicant herein; OR,

ALTERNATIVELY,

An order of this Honourable Court striking out the instant criminal proceedings. That is to say Charge No.:- **CR/187/2021** – for being an abuse

of court process; and consequently, discharge the Defendant/Applicant herein.

- b. And for such other/further Order(s) as this Honourable Court may deem fit to make in the circumstances of the case.

In support of the application is 6 paragraph affidavit deposed to by OsitaAnene.

In line with the law, a written address was filed wherein counsel urged the court to dismiss or strike out the instant charge as it amounts to an abuse of court process.

On their part, Complainant/Respondent represented by BaguduSani Esq., Prosecuting Counsel, Federal Ministry of Justice, acknowledged been served with the application stated that, they have no objection.

## COURT:-

Denton West JCA in *ELEBUIKE VS TAWA (2010)* CA. stated that the proper step to take when a process of court has been abused is to dismiss the process being abused to end the abuse.

See *DINGYADI & ANOR VS INEC & ORS (2011)* (SC).

I have seen charge No **CR/187/2021** and **FHC/ABJ/CR/287/2020**. They both are same in character and form.

Where process of court is not used bonafide, but to the irritation and annoyance of a party, in this case the Defendant in dock, where she is being taken to several courts and police stations on the same alleged offence, there ought to be a pronouncement in finality to put a nail in the coffin.

I have listened to the reaction of Sani Esq., from the chambers of the Attorney General of the Federation who has not filed counter to the affidavit in support of the application, indicated that he is not opposed to the application. The proliferation of charges before this Court and Federal High Court on the same person is clearly geared towards annoying and irritating the Defendant. She is a citizen of this country and shall be prosecuted with respect and in dignity.

The act of filing different charge sheets before different court is not just an abuse but instrumental harassment. This has to stop.

In the absence of any objection, the charge before me being an abuse, and on the afore-listed authority shall be dismissed.

Accordingly, charge No. **CR/187/2021** is hereby dismissed.

*Justice Y. Halilu*  
*Hon. Judge*  
*10<sup>th</sup> February, 2022*

**APPEARANCE**

BaguduSani, Esq. State counsel from Federal Ministry of Justice - for the Prosecution.

I.O Nweze, Esq. - for the Defendant.