

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT COURT NO. 4, MAITAMA ON THE

20TH DAY OF NOVEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE U. P. KEKEMEKE

SUIT NO. FCT/HC/CV/6319/2023

COURT CLERKS: *JOSEPH ISHAKU BALAMI & ORS.*

BETWEEN:

MOUTIOH-ANDE GODWIN ONYEBUCHI APPLICANT

AND

| | | | |
|---|---|-------|--------------------|
| 1. INSPECTOR-GENERAL OF POLICE | } | | RESPONDENTS |
| 2. ASSISTANT INSPECTOR-GENERAL OF POLICE, ZONE 7 | | | |
| 3. MR. BABA SHABA | | | |

JUDGMENT

The Applicant's Motion comes up this morning, 20th day of November 2023. The Respondents were served with the Originating Processes and Hearing Notices.

The Applicant's application prays the Court for the following reliefs:

- (1) A declaration that the involvement of the 1st and 2nd Respondents in a simple civil transaction involving him and the 3rd Respondent is illegal and a contravention of their statutory powers.
- (2) A declaration that the attempt by the 3rd Respondent to use the 1st and 2nd Respondents to breach the contract of sale of House 8, 21 Road, A Close, Kado, FCT, Abuja to the 3rd Respondent by virtue of the involvement of the Police is illegal and unconstitutional.
- (3) The threat by the Respondents to arrest and detain Applicant by the 1st and 2nd Respondents on account of the aforesaid transaction infringes the right to personal liberty of the Applicant.
- (4) An Order of perpetual injunction restraining the Respondents either by themselves, privies, agents and or servants from further inviting, arresting, detaining, intimidating and or harassing the

Applicant in respect of the sale of House 8, 21 Road, A Close, Kado, FCT, Abuja.

AND for such Order or further Orders as the Court may deem fit to make in the circumstances.

The application is supported by a 22-paragraph Affidavit sworn to by Applicant himself. Learned Counsel relies on same.

He deposes succinctly that he owns House 8, 21 Road, A Close, Kado. The copy of the Allocation Letter is Exhibit P1.

That he found some unknown persons on the property and appointed Lawrence Ogbolu to manage the property. The Letter of Appointment is Exhibit P2.

The said Lawrence Ogbolu served Quit Notices and all other processes and later filed a case to recover the property from the unknown persons.

Judgment was entered and the unknown persons evicted. That after the eviction, he handed over the house to the 3rd Respondent.

That some persons claiming to represent the estate of late General Adisa filed a Motion to set aside the Judgment. The Court granted the Order.

That the said representative of General Adisa wrote a Petition against Applicant to the FCT Police Command. That the Federal Capital Development Authority (FCDA) confirmed his title to the Police which he sold to 3rd Respondent. The letter is Exhibit P6.

The 3rd Respondent petitioned the Applicant to the Police on the ground that he defrauded him by selling the house to him without title.

That consequent upon the above, DSP Atiku who claims to be an Investigating Officer from 2nd Respondent has been calling him and threatening to arrest him.

That his title to the aforesaid house is genuine and unencumbered. That the transaction is civil. That there is a threat to violate his fundamental right.

That it is in the interest of justice to grant the application.

The Applicant adopted his Written Address in support of the application.

I have carefully read same. This application is undefended. The Respondents did not file a Counter Affidavit. It is still the duty of the Applicant to prove his case.

The Applicant's deposition in his Affidavit is that sequel to the Petition of the 3rd Respondent to the 2nd Respondent, one DSP Atiku who claims to be an Investigating Police Officer from the office of the 2nd Respondent has been calling and threatening to arrest and humiliate him solely at the instance of the 3rd Respondent.

The 1st and 2nd Respondents are Police Officers. They, their agents, officers and privies have a responsibility to detect and investigate crime.

The Applicant by paragraph 12 of his Affidavit said the 3rd Respondent petitioned him (the Applicant) to the 2nd Respondent that he defrauded him and sold a house to him without title.

Therefore, if the 1st and 2nd Respondents or their agents and or privies invite the Applicant, it does not amount to infringement of the Applicant's fundamental right.

Invitation by the Police is not a threat to an infringement of a fundamental right. The 1st and 2nd Respondents have a statutory duty to perform.

The allegation against the Applicant by his Affidavit is a fraud. Fraud is a crime.

The least the Applicant can do for himself, society and the nation is to submit himself to the Police to render some explanation to debunk the allegation.

In my humble view, the Applicant has not proved sufficient materials to enable me hold that his fundamental right to personal liberty has been breached.

In the circumstance, the application lacks merit and it is dismissed.

HON. JUSTICE U. P. KEKEMEKE
(HON. JUDGE)
20/11/2023

Parties absent.

Pius Attah, Esq. for the Applicant.

COURT: Judgment delivered.

(Signed)
HON. JUDGE
20/11/2023