

IN THE HIGH COURT OF JUSTICE OF THE F.C.T.

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ZUBA, ABUJA

ON FRIDAY THE 21ST DAY OF JUNE, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA
JUDGE

SUIT NO.: FCT/HC/CV/993/2023

BETWEEN:

DAVID ILOBA

APPLICANT

AND

1. MR. ANUGE CHRISTAIN EHIZOJIE
2. INSPECTOR GENERAL OF NIGERIA POLICE FORCE
3. SERGEANT KOKO
4. GABRIEL ROSE
5. FCT COMMAND NIGERIA POLICE
6. DPO JIKWOY

RESPONDENTS

JUDGMENT

In this Suit premised on FREP the Applicant, David Iloba claimed that the Respondents violated and continued to violate and threatened to violate his Fundamental Right based on the provision of **SS. 34, 35, 37 and 41 of the 1999 Constitution of the Federal Republic of Nigeria** (as amended).

He claimed that he has a business relationship with the 1st & 4th Respondents but that the 1st & 4th Respondents failed to fulfill their side of the Contract Agreement. Rather than do so they used and are using the instruments of the 2nd, 3rd, 5th and 6th Respondents to threaten him in order to make him not to be paid the remaining contract sum due to him. That they have threatened his life and stalked him and interfere with his telephone. That the actions of the Respondents have affected and breached his Right to dignity, personal liberty, freedom of movement and privacy, all of which are his constitutional Rights. As a law abiding citizen he instituted this action for the enforcement of those violated Rights. He claimed the following Reliefs in the said application:

- a. **An Order enforcing the Applicant fundamental human rights as guaranteed, enshrined and protected by the 1999 Constitution particularly Sections 34, 35, 37 & 41 therefore and Articles 2, 6 and 12 of the African Charter on Human and Peoples' Right (Rectification and Enforcement.**
- b. **A Declaration that the threat to arrest and detain the Applicant by the Respondents to tactically retain the Applicant from demanding for the remaining contract sum due to him from the substantially executed civil contract between the Applicant and the 1st & 4th Respondents amounts to inhuman and degrading treatment and is wrongful, illegal and a violation of the Applicants Fundamental Rights of dignity of human person, personal liberty and freedom of movement.**
- c. **A Declaration that the Respondents' act of stalking the Applicant via various means including his mobile contact is**

unconstitutional and a violation of the Applicant's Right to privacy.

- d. An Order enforcing the Applicant's Right to dignity of human person, personal liberty, privacy and movement by restraining the Respondents by themselves, their men, agents, officers, privies and any other persons whatsoever acting for or on behalf of the Respondents from inviting, threatening, laying ambush, causing the arrest, intimidating, harassing, molesting or injuring the honour and privacy of the Applicant/his guarantor or interfering with the or disturbing with the Applicant/his guarantor's Right to dignity of human person, personal liberty, privacy and movement in any manner whatsoever.
- e. An Order of this Honourable Court awarding general damages in the sum of ₦10, 000,000.00 (Ten Million Naira) only against the Respondents jointly and severally in favour of the Applicant for the embarrassment, loss of income and psychological trauma caused to the Applicant by the Respondents' actions.
- f. And for such further Order(s) as this Honourable Court may deem fit to make in the circumstance of this application.

He based the application on the following grounds:

- a. By virtue of Sections 34, 35, 37 & 41 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) the Applicant's Fundamental Rights to dignity of human person, personal liberty, privacy and movement is guaranteed, whereas the threat from the Respondents against the Applicant as outlined in the Affidavit in support of the application is a violation of his Right.

- b. The Respondents have no authority or locus to arrest and detain the Applicant as what transpired between the Applicant and the 1st, 2nd, 3rd & 4th Respondents is purely civil contract wherein the 1st & 4th Respondents have failed to fulfill their obligation.
- c. The Applicant is inter alia entitled to compensation as general damages in view of the intimidation from the Respondents.

He supported the application with an Affidavit of 31 paragraphs which he deposed to in person. He also attached excerpt from text messages between him and the 1st & 4th Respondents.

In the Written Address he raised a sole Issue for determination which is:

“Whether he is entitled to the grant of his Application.”

He answered the question raised in the affirmative as the action of the Respondents violated the said Rights. That all those Rights violated are constitutional and the Respondents have no right to violate them. He referred to the case of:

**Unyirioh V. Inspector General of Police
(2009) 3 NWLR (PT. 1128) 345 @ 347**

That he has not committed any crime to warrant his arrest by the Respondents. That Police have no right to arrest him without him committing a crime as the issue between him and the 1st & 4th Respondents is pure civil in nature as the 1st & 4th Respondents have failed to pay him. Hence, the

action of the Police to arrest and detain him is illegal and unlawful. He referred to the case of:

Abdullahi V. Buhari

(2004) 17 NWLR (PT. 902) @ 303 Para A – B

He urged Court to stop the Respondents from continuous breach of his Right. That he is entitled to protection from arbitrary exercise of power by the Respondents especially the Police. He urged Court to grant the Reliefs sought.

Upon receipt of the application the 1st Respondent filed a Counter Affidavit of 31 paragraphs. He attached 12 documents as **EXH 1 – 12.**

In the Written Address he raised an Issue for determination which is same as the Applicant's Issue:

Whether the Applicant is entitled to the Reliefs sought in this case.”

He submitted that the Applicant is not entitled to the Reliefs sought. That the Respondents did not breach the Applicants' Right as alleged and that the 2nd, 5th & 6th Respondents did not act arbitrary. That the 1st, 3rd and 4th Respondents made a complaint to the Police and that they have acted within the ambits of the law. He relied on **S. 88(1) and S. 2 Part 1 ACJA 2015** and the case of:

Paul Enanuga & Ors V. Hon. Nseabasi (Cornelius) Samson (2012) LPELR – 8487 (CA)

He urged Court to so hold.

That by the deposition in paragraph 22 of the Affidavit of the 1st Respondent' Counter supports the action of the 1st

Respondent especially paragraphs 4 – 20 which shows that there is a suspicious of commission of crime of cheating, criminal breach of trust and obtaining money by false pretence duly investigated by the 6th Respondent before whom their Petition was lodged. That the Applicant was never detained or harassed by the 1st Respondent or his Counsel as alleged. That the allegation is an afterthought. They urged Court to dismiss the application.

That the Applicant has alleged breach of his Fundamental Right but has failed to prove same. That failure to do so makes the Applicant not to be entitled to his Reliefs. They referred and relied on the cases of:

**Solomon Adekunle V. A-G Ogun State
(2014) LPELR – 22569 (CA)**

**Oando PLC V. Formatic Biogas West Africa Ltd & Anor
(2018) LPELR – 45564 (CA)**

**Okafor V. Lagos State Government & Anor
(2016) LPELR – 41066**

He urged Court to hold that the Applicant did not present credible, cogent and reliable evidence to substantiate his claim and as such he has failed to prove the allegation against the 1st Respondent and consequently dismiss this application with substantial cost.

The Applicant fired back to the 1st Respondent's Counter Affidavit with Further Affidavit of 59 paragraphs. He attached the Order of Restraint made by this Court on 18th January, 2023 against the 1st – 6th Respondents based on Motion M/3050/23 filed by the Applicant. He attached

printout chat/message between the Applicant and the Respondent.

In the Further Affidavit he extensively elaborated in details the issues in dispute between the parties in this Suit. The said Further Affidavit is deemed as if set hereunder seriatim.

The 1st Respondent filed a Reply on Points of Law to the Further Affidavit. The Court also deems as if set hereunder seriatim the said Reply by the 1st Respondent.

On their part the 2nd – 4th Respondents filed a Joint Counter Affidavit of 7 paragraphs. They attached copy of Petition written against the Applicant by the 1st Respondent and criminal recognizance for dated 4th November, 2022. In their Written Address they raised a lone Issue for determination which is:

“Whether from the facts deposed to by the Applicant in this case the Applicant is entitled to the Reliefs sought when such facts are taken vis-à-vis Respondents’ Counter Affidavit.”

They answered in the negative. That once an offence is reported against a citizen, that his right is removed from the Fundamental Right domain and he is susceptible to arrest and detention and investigation. They referred to the cases of:

**Okanu V. Commissioner of Police Imo State
(2010) CHR @ 407**

**A-G Anambra V. Chris Uba & 3 Ors
(2005) 15 NWLR**

That the right of citizen under **S. 35 of the 1999 Constitution of the Federal Republic of Nigeria** (as amended) is not absolute as far as there is suspicion or allegation of commission of crime as in this case. They referred to the case of:

Atakpa V. Ebefor
(2015) 3 NWLR (PT. 1447) 558

They also referred to **S. 214 of the 1999 Constitution of the Federal Republic of Nigeria** (as amended).

Okechukwu V. Etukokwu
(1998) 8 NWLR (PT. 562) 513 @ 534

That the Respondents established a prima facie case against the Applicant and others. That the Applicant uses this case as a ploy to stop investigation and possible prosecution. They referred to the case of:

A-G Anambra V. Chris Uba Supra
(2005) All FWLR (PT. 777) 905 (CA)

They concluded that the 1st – 6th Respondents did not breach the Fundamental Right of the Applicant and that Court should discountenance the submission of the Applicant and dismiss the application since it is frivolous and unmeritorious too.

The Applicant filed a Further Affidavit of 59 paragraphs in response the 1st Respondent's Counter Affidavit. He attached 2 documents – an Order of this Court made on the 18th of January, 2023 and printout of e-receipt evidencing some payments made.

In the Further Affidavit the Applicant narrated how he advised the 1st Respondent to buy the 12 Batteries to power the 10KVA Solar Panel and he refused and instead he bought only 8 Batteries against his wise advice and counsel. That he installed the 10KVA Sola Panel with the 8 Batteries and reduced the price from **₦4, 288,000.00 (Four Million, Two Hundred and Eighty-Eight Thousand Naira)** to **₦3.6 Million**. That when the Battery failed to perform as expected the 1st Respondent complained and insisted that he remove, resell and return the money to him. That he told him that the amount of reselling will not be the same thing as initial amount of **₦3.6 Million**. Besides, that it will take time for him to resell.

That on the 14th day of September, 2022 the 1st Respondent detained him in his house by ordering his gatemen/security men not to allow him to leave the house. That he was in the said house from 7 am to 7 pm. That while there the 1st Respondent forced him to sign an Undertaking to refund the exact amount of the cost of the Batteries and the Solar. That he refused. That eventually the 1st Respondent allowed him to go on the condition that he will resell the items but that he should be given 4 months period within which to do so. That he was allowed to leave the house on that 14th of September, 2022.

That on the 15th September, 2022 he was further detained there. That after that he wrote Petition to the Police on the 21st of January, 2023 complaining about the harassment, false imprisonment and detention by the 1st Respondent and further intimidation and arrest by the 3rd & 4th Respondents at the instigation of the 1st Respondent.

That the 1st, 3rd & 4th Respondents kept threatening his life and that of his family. And based on that he left the Estate where he was living in order to avoid the harassment and intimidation and threat.

That he never promised to refund the full price of the goods rather he agreed to refund the price he sold the goods after the sale. That he lived to his promise by refunding the **₦2, 000,000.00 (Two Million Naira)** he sold the goods directly to the Account of the 1st Respondent.

That the business is civil in nature and the Police, 3rd & 4th Respondents has no business to meddle into the dispute.

That rather than sue him to Court the 1st Respondent resorted to intimidation and false detention. That there is no element of crime involved in this case. That even after the return of **₦2, 000,000.00 (Two Million Naira)** to the 1st Respondent, he was still embarrassing, harassing and intimidating him and his family using the 3rd & 4th Respondents demanding for **₦1, 000,000.00 (One Million Naira)**. That he instituted this action. That it was after the Court granted his Ex-parte application on the 18th of January, 2023 that he was able to return to the estate where he resides.

That he had suffered psychologically, emotionally and financially because of the action of the Respondents which has greatly violated his extant Fundamental Rights.

He urged the Court to grant his application and discountenance and dismiss the Counter Affidavit by the 1st Respondent.

The 1st Respondent filed a further 2 Counter Affidavits deposed to by one Deborah Paul and Col. M.A. Olorunlero (Rtd) both of who claimed to be neighbors of the 1st Respondent and the Applicant, all of who lives in the same Estate as neighbors.

The Col. Olorunlero Claimed that he never was aware that the Applicant was detained while the said Deborah Paul claimed that she was invited by the Police at Jikwoyi on account of the Petition by the Applicant. She narrated how she met the Applicant at the gate of the Estate and how she met the 1st Respondent and both narrated their story about the Solar Panel installation deal. How the 1st Respondent insisted that the Applicant has to refund the money and how she pleaded with the parties to amicably settle the dispute and she undertook to ensure that the Applicant refunds the **₦3, 000,000.00 (Three Million Naira)** instead of **N3.6 Million** which is the cost of the installation of the Solar Panel and Batteries. She confirmed that she was informed by the 1st Respondent about the ordeal. She attached the Statement she made when she was invited by the Police at the Jikwoyi Station.

In the Reply the 1st Respondent raised 2 Issues for determination which are:

1. Whether the Applicant's Further Affidavit is competent?

2. Whether the Applicant is entitled to the Reliefs sought?

On Issue No. 1, the 1st Respondent submitted that the Applicant's Further Affidavit is incompetent because there is

no fresh issue raised in the Counter Affidavit by the 1st Respondent to warrant Further Affidavit by the Applicant. He referred and relied on the cases of:

Ola V. Unilorin
(2014) 15 NWLR

Inspector General of Police V. Belo
(2023) 1 NWLR (PT. 1865) 277

That paragraphs 9, 10, 11, 18, 19, 20 – 28 are mere review of the Applicant's previous Affidavit. That issues responded to in the Counter Affidavit are all in response to the facts in the Applicant's Affidavit.

He urged Court to discountenance the submission of the Applicant in the extant paragraphs of the Further Affidavit and dismiss same.

On Issue No. 2 – whether the Applicant is entitled to the Reliefs as sought in this case, the 1st Respondent submitted that the Applicant is NOT entitled to any of the Reliefs sought. He relied on the same case of:

Ola V. Unilorin
(2009) 16 NWLR (PT. 1167)

He urged the Court to hold that **EXH B2** attached to the Applicant's Affidavit is documentary evidence before the Court and Court would act on it. That oral evidence contained in an Affidavit cannot vary the content of document evidence before the Court. He relied on the case of:

C.D.C Nig. Ltd V. SCOA (Nig) Ltd

(2007) 6 NWLR (PT. 1030)

That **EXH B2** when juxtapose with the oral evidence in the Further Affidavit will show that it is very contradictory. Hence, Court should discard the whole evidence as the evidence is unreliable. He referred to the cases of:

Zakirai V. Muhammed
(2017) 17 NWLR (PT. 1594)

Monoprix V. Okenwa
(1995) 3 NWLR (PT. 383) @ 325 (SC)

That the Applicant was never detained anywhere any day.

That paragraphs 16, 17 and 18 of the 1st Respondent's Counter Affidavit remains unchallenged. He urged Court to so hold and act on same.

That the Applicant failed to establish his case with credible and conclusive evidence against him as his Affidavit contains extraneous materials as seen in paragraphs 15, 17, 21, 24, 36, 40, 41, 46 & 51 of the Further Affidavit. He urged Court to expunge the said paragraphs of the said Further Affidavit, same being opinion and extraneous matters and therefore dismiss the application. He relied on the decision in the case of:

Bamaiyi V. State
(2001) 8 NWLR (PT. 715)

COURT

This Court having summarized the stances of the parties for and against, should this Court hold that the 2nd – 6th

Respondents at the instance of the 1st Respondent violated the Right of the Applicant as alleged and as such Could should so hold and grant all the Reliefs sought by the Applicant, holding that the Applicant is entitled to same and had established his claims? Or should this Court hold that both the 1st Respondent and the 2nd – 6th Respondents DID NOT violate and/or breach the Rights of the Applicant as alleged in that the 1st Respondent DID NOT orchestrate and instigate the 2nd – 6th Respondents to violate the Applicant’s Right and that the 2nd – 6th Respondents acted within the ambits of the law and the Constitution and their rights and powers under the Police Act especially **SS. 4 & 20 of the Police Act** and **S. 215 of the 1999 Constitution of the Federal Republic of Nigeria** (as amended) and as such the Court should NOT grant the Reliefs and therefore dismiss the application?

It is the humble and well considered view of this Court that the Respondents did not violate or breach the Right of the Applicant. The Respondents especially the 2nd – 6th Respondents acted within the ambits of the law under **S. 4 of the Police Act** and the Constitution in this case.

To start with, the Applicant just reported the matter to the Police complaining about the action of the 1st Respondent. He had urged the Police to investigate the 1st Respondent for the allegation raised in his Petition. The Police did and found that he had lied against the 1st Respondent and deceived the Police and the public. The 1st Respondent wrote a Cross-Petition and the same Police investigated same and found the Applicant “liable” of cheating. The Police filed an FIR against the Applicant. The Police did not deny inviting the

Applicant. Under the law and the Constitution they have the right to do so. They invited him based on the issues raised by the 1st Respondent which bothers on cheating. The action of the Police in that case is not a breach of the Right of the Applicant. So this Court holds.

Again, it is not in doubt that there was a Solar installation transaction between the main parties – the Applicant and the 1st Respondent. The transaction went bad. There was agreement for a refund of fund by the Applicant who had uninstalled and removed the Solar Panel installed in the 1st Respondent’s residence. He had agreed to pay the money for the Panels etc. He had actually refunded **₦2, 000,000.00 (Two Million Naira)** according to him which is part of the price for the Solar Panel as agreed, as against the **₦3.6 Million** which is the actual price. That fact is not in doubt.

The Applicant had agreed to refund the money by end of September but he did not fulfill his promises. There were several interventions by their neighbors. But all the while the Applicant failed to fulfill his promises and the agreement he had with the 1st Respondent. Rather than do so, he sought solace by writing Petition against the 1st Respondent when that ploy failed as the Police found out that he, the Applicant is the one who had committed the act of cheating as alleged by the 1st Respondent upon Police investigation based on the Cross-Petition against the Applicant’s Petition written by the 1st Respondent.

Even in his Further Affidavit the Applicant admitted that he had agreed to repay **₦3, 000,000.00 (Three Million Naira)** but had only repaid **₦2, 000,000.00 (Two Million Naira)**

instead. He had equally stated that having refunded the **₦2, 000,000.00 (Two Million Naira)** he will not refund any other money to the 1st Respondent. That on its own says a lot about the Applicant and his antecedent. He had repeatedly stated about 8 Batteries as against 12 Batteries but he never showed any document to show that he actually installed the 8 Batteries and that the 1st Respondent failed and refused to pay for 12 Batteries.

From the evidence of the Respondents in their Counter and second Further Counter Affidavit it is clear that the Applicant is really out to cheat. By rushing to this Court to file this Suit is a clear ploy by the Applicant to evade prosecution. All his repeated story on 8 Batteries as against 12 Batteries are all a way to becloud the Court and deceive himself. Agreement by the parties need not be in printed material – paper and signed in the dotted lines by the parties.

From the actions and correspondences by the parties, one can see that there is an agreement. Failure of any of the parties to fulfill his own side of the obligation/Agreement will attract breach and depending on the nature or extant or circumstance of the case.

In this case there is a clear Agreement to install and later uninstall the Solar Panel. There was an Agreement by the Applicant to refund the money as can be seen in the WhatsApp chat attached by both parties. There was Agreement for extension of time within which the Applicant will pay and the amount is known and certain. He agreed to refund **₦3, 000,000.00 (Three Million Naira)**. But instead

of doing so he rushed to Court to cry wolf while he is the wolf. In his Ex-Parte application before this Court he never told the Court that he had agreed to refund **₦3, 000,000.00 (Three Million Naira)** but he only refunded **₦2, 000,000.00 (Two Million Naira)** and had refused to refund the remaining **₦1, 000,000.00 (One Million Naira)** as agreed. He did not tell the Court that the Police was looking for him and had prepared FIR against him as far back as after 4th November, 2022.

Yes, there was a criminal recognisance and one Ifeanyi Okafor stood for him as Surety. But the Applicant did not tell this Court that he failed to report to the Police as agreed, hence that he jumped Bail granted to him. Meanwhile, the Police granted the Applicant Admin Bail within the constitutionally provided time – within 24 hours.

From the Petition of the 1st Respondent and the facts in the Counter Affidavit of the 1st Respondent and the 2nd – 6th Respondents it is very clear that the 1st Respondent NEVER asked the Police to help him get the money from the Applicant. The 1st Respondent asked the 2nd – 6th Respondents to investigate the Applicant for act of criminal breach of trust, cheating and obtaining money by false pretence as well as for misappropriation of fund the 1st Respondent gave him for the installation of the Solar Panels.

The Applicant who claimed that his life was threatened could not substantiate and establish that fact. He did not establish as required of him under the law – FREP Rules and the Constitution that the Police violated his Right on the instigation of the 1st Respondent.

The 1st Respondent dutifully reported himself to the Police when he was invited by the Police. He made Statement in writing. He went further to write a Cross-Petition against the Applicant. Just as the Police did in the Applicant's Petition, they invited the Applicant so that he can exercise his right to be heard as provided in the Constitution. The Police dutifully investigated same and found out that it is the Applicant that had committed cheating as alleged after Police investigation.

The Police inviting/calling the Applicant and dutifully notifying/showing him the Petition written against him by the 1st Respondent, the Police acted within their powers. After all, both under the Police Act and the Constitution the Police has right to invite, notify investigate and interrogate anyone reported to have committed, about to commit or caught committing a crime. The Constitution provides that where there is a complaint made against anyone by a citizen that Police should invite that person to their Station and inform the person about such complaint and give the person chance to respond to the complaint. The Police did exactly that in this case. That is why I humbly hold that the Police, haven acted within the ambits of the Police Act S. 4 and the Constitution, have not violated the Right of the Applicant in this case.

It is imperative to state that the Right of the Applicant, like that of any other citizen, is not open-ended, in perpetuity or absolute. It can be tampered with in the cause of maintaining law and Order and to avert anarchy and recklessness in our society. Again, where there is a report of a crime as in this case – cheating, the Police has a right to

invite the person involved. In this case the Police was right in inviting the Applicant. Also it should be pointed out that invitation by Police is one thing. The Police have a right to interrogate a person too. Such interrogation may take several hours which may be over night thing. That is, the person being interrogated may spend the night in the Police office/station. So where that happens it should not be seen or interpreted to mean breach of a person's Right. Besides, in this case there was no allegation that the Police manhandled the Applicant when he was in their Station. They is also no fact alluding that Police tortured the Applicant. Also the Police showed in their Counter Affidavit that the Applicant was granted Bail upon his arrest same day but he brought a Surety who stood for him. All those actions of the Police are in order and in line with the law and Constitution. That is why this Court still holds that the Respondents did not violate the Right of the Applicant.

Again, the alleged detention of the Applicant was based on the 1st Respondent's Petition. The 1st Respondent has a right like the Applicant to complain as he did because he has the same right under the Constitution like the Applicant. The said Complaint/Petition is in order. It is not an instigation of the Police, 2nd – 6th Respondents at all. The same 1st Respondent had established with facts in his Counter Affidavit and the Cross-Petition that the Applicant is the person who had cheated him. His complaint is on allegation of fraud and cheating.

From all the above it is glaringly clear that the Applicant was not able to establish that his Rights were violated by the 2nd – 6th Respondents at the instigation of the 1st Respondent.

Rather the action of the Police which the Applicant complained of is proper complaint made against the Applicant which was premised on allegation of cheating. Again, the Police have the right to investigate such complaint and to invite the person complained of – Applicant as they did in this case. They gave him right to be heard and have his say. That is why they invited him, hence allowing the Applicant time to exercise his right to fair hearing. The Police took it further by filing the FIR.

The Applicant was not able to establish that his Right was violated as alleged. The Police acted within the ambits of the law. The 1st Respondent also showed that he never instigated the Police to violate the Rights of the Applicant. The Applicant could not establish that his Right was violated by the 1st Respondent. He could not establish that the 1st – 6th Respondents, especially the 1st Respondent threatened his life as he alleged.

He who asserts must prove. In this case the Applicant asserted but he was not able to prove any of his assertions. Again, to succeed in a case of violation of Fundamental Right, it is incumbent on the Applicant to prove that actually his Right was violated as alleged. But in this case the Applicant failed to do so. To succeed in such allegation is not based on sentiments and emotion. It is premised on facts, raw and verifiable facts.

As an aside, it is imperative to state that parties/citizens should not use the provision of **CAP 4 of the 1999 Constitution of the Federal Republic of Nigeria** (as amended) as a get-rich-quick provision. They should not

also use FREP Rules as a way to avert trial where there is allegation of commission of crime.

There is no merit in this application. It is therefore DISMISSED.

All the Reliefs by the Applicant not granted.

The Court hereby Order the Applicant to pay to the 1st Respondent the sum of ₦1, 000,000.00 (One Million Naira) which is the outstanding balance in the Agreement.

The Applicant to also pay the sum of ₦150, 000.00 (One Hundred and Fifty Thousand Naira) as cost of bringing a frivolous application against the 1st Respondent.

This is the Judgment of this Court.

Delivered today the ___ day of _____ 2024 by me.

K.N. OGBONNAYA
HON. JUDGE