

**IN THE HIGH COURT OF FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA – ABUJA
BEFORE HIS LORDSHIP: HON. JUSTICE .H. MU’AZU
SUIT NO: FCT/HC/CV/457/2025
DELIVERED ON THE 29/05/2025**

BETWEEN:

1. FUNGTAI ENGINEERING COMPANY LIMITED }APPLICANTS
2. SIR ISAAC CHUKS }

AND

1. INSPECTOR GENERAL OF POLICE }
2. THE NIGERIA POLICE FORCE }RESPONDENTS
3. DCP AKIN FAKOREDE, HEAD, IGP MONITORING UNIT }
4. CSP MOHAMMED ABDULKAREEM (IPO) }
5. IFESAM NIGERIA LIMITED }
6. CHIEF CHRIS IFESI }

JUDGMENT

The Applicants alleged that sometimes in January, 2018, they signed an agreement with the 5th and 6th Respondents with respect to an outstanding payment from the NNPC as a result of a contract duly executed by the Applicants for NNPC. And after the execution of the said Memorandum of Understanding the 5th and 6th Respondents totally abandoned the Applicants to their faith and further failed, refused and or neglected to carry out any action to ensure the release of the Applicants funds from the NNPC.

That happily the Applicant recovered the funds via Judgment of the Supreme Court delivered on the 03/02/2023 in suit No. **SC/182/2018** Between NNPC Nig. Ltd Vs. Fungtai Engineering Company Limited. And immediately the 5th and 6th Respondents discovered the above, they

jumped out of their slumber and began to barrage the 2nd Applicant with series of telephone calls and text messages requesting for payment.

That the 5th and 6th Respondents through their Counsel, Pelican Attorney caused a letter of demand to be served on the Applicant titled “Breach of Facilitator Agreement dated 12/01/2018, for recovery of contract sum from Nigeria National Petroleum Company Ltd NNPC, demanding for the sum of **₦580,000,000** (Five Hundred and Eighty Million Naira).”

It is further the case of the Applicant that in above letter, the 5th and 6th Respondents threatened the Applicants to make the payment otherwise they should be ready to face dire consequence of the 5th and 6th Respondents. The Applicant on this layout wrote a petition to the 1st Respondent notifying it of the dangerous threat of the 5th and 6th Respondents over the monies they never worked for, however no action was taken.

That the Applicants were shocked to receive a letter from the office of the 1st and 2nd Respondents with the following caption “First Reminder: Letter of Invitation RE: Criminal breach of Trust, Intimidation and Complain against Police Action” and another letter with caption “Second Reminder: Letter of Invitation RE: Criminal Breach of Trust, Intimidation and Complain against Police Action.”

On this layout, the Applicants brought this Notice of application for an order enforcing their Fundamental Right dated 07/02/2025 and filed the 10/2/2025 and sought for the following reliefs:

1. **ORDERS** of the Honourable Court for the Enforcement of the Applicants’ Fundamental Rights under the Constitution of the Federal Republic of Nigeria (as amended) and the African Charter on Human and Peoples’ Rights in terms of the reliefs in the

Statement accompanying the Affidavit in support of the Application on the grounds set out in the copy of the Statement served herewith.

2. **A DECLARATION** of this Honourable Court that the consistent and insistent unlawful harassment, intimidation and threat of arrest, together with series of invitation and stalking of the 2nd Applicant's phone with telephone calls by the Agents of the 1st, 2nd, 3rd & 4th Respondents at the instigation, behest and/or instance of the 5th & 6th in respect of an unfounded allegation is unconstitutional, illegal and an infringement and violation of the 2nd Applicant's fundamental rights as enshrined and guaranteed by Sections 34(1) (a), 35(1), 37, 41 (1) and 44 (1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).
3. **A DECLARATION** that the continuous threats of arrest and/or detention, harassment, invitation and intimidation of the Applicants by the 1st, 2nd, 3rd & 4th Respondents as the behest of the 5th & 6th Respondents in respect of an unfulfilled contract agreement signed between the 2nd Applicant and the 5th & 6th Respondents, is unconstitutional, illegal and a gross violation of the Applicants' fundamental Right as enshrined under sections 34, 35, 37, 41 and 44 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).
4. **A DECLARATION** that it was unlawful and illegal for the members of the 1st, 2nd, 3rd & 4th Respondents at the instigation, behest and/or instance of the 5th & 6th Respondents to consistently harass, intimidate the Applicants over a simple business transaction, constitutes the violation of the Applicants' fundamental rights.
5. **A DECLARATION** that it was unreasonable and unlawful for the Officers and Men of the 1st, 2nd, 3rd & 4th Respondents at the instigation of the 5th & 6th Respondents to continuously harass and intimidate the Applicants with threat of arrest and humiliation of

the 2nd Applicant using the instrumentality of the 1st, 2nd, 3rd & 4th Respondents and lead by the 3rd & 4th Respondents in respect of a purely civil contract executed by the parties, and in the circumstances of this case, is ultra vires their powers and in clear breach of the 2nd Applicant's fundamental human rights for freedom, dignity of person.

6. **A DECLARATION** that the 1st, 2nd, 3rd & 4th Respondents are not a Debt Recovery Institutions or Agencies and therefore it was unlawful and an abuse of executive powers of the State for the 1st, 2nd, 3rd & 4th Respondents at the prompting of the 5th & 6th Respondents to use the threat of arrest and further threats of arrest of the 2nd Applicant and compelling him to show up at the Police Station over a simple/civil business transaction between two civilians, constitute a breach of the fundamental rights of the Applicants.
7. **A DECLARATION** that the insistent threat or further threat of arrest, harassment and intimidation of the 2nd Applicant at odd times with series of telephone calls and letters of invitation under the guise of conducting investigation by the 1st, 2nd, 3rd & 4th Respondents at the behest of the 5th & 6th Respondents over a purely civil contract executed by the parties, constitute a breach of the fundamental rights of the 2nd Applicant, wrongful, unconstitutional and flagrant disregard to the Rule of Law.
8. **A DECLARATION** that the 1st, 2nd, 3rd & 4th Respondents' insistent threat of arrest, intimidation, humiliation and harassment of the 2nd Applicant, constitute infringements on the Applicants' right to life & human dignity and personal liberty which constitute a violation of the Applicants' rights to carry on their normal lawful daily movements, activities, business and protecting them against the looming collapse of the 2nd Applicant's lawful business, and same constitution a violation of the Applicants' right to life and carry on works anywhere in Nigeria and that same should not be

tampered with except in the manner provided for by the law as enshrined in section 43 & 44(1) of the Constitution of the Federal Republic of Nigeria, 1999, with regards to interpretation of any infringement of rights.

9. **AN ORDER OF THIS HONOURABLE COURT** restraining the Respondents either by themselves, privies, agents, cohorts, other Security and Law Enforcement Agencies of the Federal Government of Nigeria or through whomsoever from further threat of arrest, arresting, intimidating, harassing, disturbing, investigating, detaining or issuing threats of detaining the Applicants and/or interfering with the Applicants' peaceful rights to carry out their lawful activities/businesses.
10. **AN ORDER OF PERPETUAL INJUNCTION** restraining the 1st, 2nd, 3rd & 4th Respondents whether by themselves, Servants, Agents, Privies, Proxies and any person or persons whatsoever at the behest of the 5th & 6th Respondents from carrying any act or omission that are inimical to the rule of law or that will breach Applicants' right to the dignity of their human persons and the right to personal liberty as guaranteed by Section 34 (1) (a), Section 35 (1), Section 41(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) except within the circumstances permitted by the Constitution.
11. **MANDATORY ORDER** of this Honourable Court compelling the 1st & 2nd Respondents to issue statements of apology to be published in the Thisday, Nation and Sun Newspapers in favour of the Applicants.
12. **GENERAL DAMAGES** in the sum of **₦800,000,000.00** (Eight Hundred Million Naira only) against the Respondents, jointly and severally for unjustified arrest and threats of further arrest, deprivation, intimidation, harassments, defamation of character and exposing the Applicants to public odium, disrepute and hate caused to the Applicants by the 1st, 2nd, 3rd & 4th Respondents at

the instance of the 5th & 6th Respondents only on the footing of Aggravated and Exemplary Damages.

13. **AND** for such further other order(s) as this Honourable Court may deem fit to make in the circumstances of the case.

The said originating motion was duly served on all the Respondents in this case, however only 5th and 6th Respondents filed their counter affidavit to the said originating writ for the enforcement of the Fundamental Right of the Applicants. The 1st, 2nd, 3rd and 4th Respondents has failed, neglected and or refused to file their counter affidavit in line with law and procedure.

Parties before me adopted processes filed in this case on the 24/03/2025 to pave way for this Judgment.

As stated in the preceding part of this Judgment, the Applicants alleged that the invitation by the 1st and 2nd Respondents is baseless and unfounded as the basis for the invitation stem from the content of contract agreement which is a purely civil agreement between two parties. And that the said Memorandum of Understanding has adequately provided for dispute resolution mechanism.

The Applicants further stated that the solicitors to the 5th and 6th had indeed written a letter to the Hon. Chief Judge of the FCT, Abuja requesting him to appoint an Arbitrator in accordance with the Memorandum of Understanding and therefore, it is an abuse of power by the Respondents to invite the Applicants on purely civil matter.

The Applicant annexed the following documents to the writ to wit;

- (1) Memorandum of Agreement**
- (2) Letter from the 5th and 6th Defendants Solicitor**
- (3) Letter from the Police**

- (4) 2nd Letter from the Police and**
- (5) Letter to Chief Judge**

In line with law and procedure, a written address was filed, wherein a lone issue was formulated for determination to wit;

- (1) Whether the insistent and continuous threat of arrest, harassment and intimidation of the Applicants in the circumstances of this case is not unlawful and in breach of the Applicants; Fundamental Rights to personal liberty, dignity of human person and freedom of movement entitling the Applicants to the reliefs sought.**

Learned Counsel submits while arguing on the above issue that, the Respondent despite the wide power provided under section 4 of the Police Act, have not mandate of acting as a debt recovery Agents for or in conjunction with creditor. Counsel then urged the Court to grant the reliefs sought.

Reacting to the application, only 5th and 6th Respondent filed their counter which same was deposed to by Chief Chris Ikechukwu Ifesi, the 6th Respondent.

It is the deposition of the 6th Respondent that he never approached the Applicants for the job of facilitating the recovery of the monies the NNPC owed the 1st Applicant, but it was his friend Prince Godwin Udemaduka who is a nephew to the 2nd Applicant that approached him in 2018 to assist the Applicants.

That he had already commenced work as facilitator without any formal agreement although the 2nd Applicant had already orally promised him **₦580,000,000** before the agreement was finally signed.

That in the course of his work as facilitator that he gathered that top bosses within the NNPC had vowed not to pay the Applicants regardless of whatever outcome of the Supreme Court case, but he was able to secure the promises from the NNPC and the Presidency that payment would be processed after whatever outcome of the Judgment the Supreme Court would make that the Applicant had been paid the total sum of \$64,000 dollars. And a demand letter was written to the Applicants for the payment of the sum of **₦580,000,000** but surprising, the 5th and 6th Respondents received an invitation letter from the Special Tactical Squad (STS) of the Police on the allegation of threat to life.

On this note, the 5th and 6th Respondents caused the petition to activate the investigation of criminal breach of Trust which he was more inclined to commence simultaneously with civil suit. And that their petition was a reaction to the earlier petition by the Applicants.

The 5th and 6th Respondent annexed the following documents to wit;

- (1) Police invitation letter**
- (2) Invitation to Police reminder**

The 5th and 6th Respondents again filed an additional counter affidavit deposed to by Ebruphiyo Anthonia Iyede (Mrs) a Counsel briefed by the 6th Respondent for the recovery of the facilitators fee owed the 5th Respondent by the 1st Applicant. The following documents were annexed to the further counter affidavit:

- (1) Letter from the Applicant's Counsel in response to the letter from the 5th and 6th Respondents letter**
- (2) Letter of Response from Applicants Counsel**
- (3) Invitation to Police**
- (4) WhatsApp phone messages**

A written address was filed wherein the following issues were formulated for determination to wit;

- (1) Whether there do not exist a prima-facie case of criminal breach of trust and Police intimidation by the Applicant which the 1st to 4th Respondents in law can investigate?**
- (2) Whether an invitation by the Police for the purpose of investigating an allegation amounts to a breach of fundamental Rights.**
- (3) Whether a fundamental right action can be used to stall Police investigations of a crime**
- (4) Whether a nominal complainant can be held liable for the manner in which the Police conducts its investigation.**
- (5) Whether the prayers of the Applicant for enforcement of fundamental right is not incidental to the main claim of the Applicants which has no correlation with a fundamental rights action?**
- (6) Whether he who comes to equity is not expected to do equity and come to equity with clean hands?**
- (7) Whether this suit is not a classic illustration of an abuse of the process of this Court, gold digging, filed in bad faith and meant to muzzle the Police and to intimidate the 5th and 6th Respondents from pursuing its civil claim against the Applicants?**

Learned Counsel argued the above issues citing relevant case laws in urging the Court to dismiss this suit in the interest of justice.

The Applicants upon service, filed a further and better affidavit in response wherein the deponent denied allegation raised in the counter affidavit of the 5th and 6th Respondents.

On the part of Court, I have carefully perused the processes before me, the reliefs sought as well as the evidence adduced vide affidavit evidence by the Applicant and that of the 5th and 6th Respondents cum the elaborate written addresses of their Counsel. It is clear to me that the main issues to be addressed is whether the invitation of the Applicant by the 1st to 4th Respondent is a breach of the Fundamental Right of the Applicant.

By virtue of the provision of section 46(1) of the 1999 Constitution which states that “*Any person who alleges that any of the provision of this chapter has been or is likely to be contravened in and state in relation to him may apply to a High Court in that state for redress.*” This provision gives right to suit as the instant case.

For any action to qualify to be brought under the fundamental Rights Enforcement Rules, breach of Fundamental Rights must be the primary claim in the suit. **INCORPORATED TRUSTEES OF DIGITAL RIGHTS LAWYERS INITIATIVE & ORS. VS. NIMC (2021) LPELR 55623 (CA).**

In **DR. FOLARANMI AKINOSUN VS. COMMISSIONER OF POLICE KWARA STATE & ORS.**, the Court defined fundamental human rights as those rights provided for in Chapter IV of the Constitution and the African Charter on human and people’s rights. **OSUNDU VS. A.G. ENUGU STATE (2017) LPELR CA/A/25/2016.**

It is the duty of Courts in this Country to safeguard the fundamental rights of each individual. Human rights are usually described as inalienable and constituted birthright. The importance of these rights in this country is obvious by the entrenchment of such rights in our Constitution. **A.G KEBBI STATE VS. JOKOLO & ORS. (2013) LPELR CA/A/35/2010.**

The relevant section in this case which guarantees the liberty of every Nigerian under our constitution is section 35(1) of the 1999 Constitution of Nigeria as amended. The said section read as thus;

35(1) every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law

(a) in the execution of the sentence or order of a Court on respect of a criminal offence of which he has been found guilty

(b) By reason of his failure to comply with order of a Court or in order to secure the fulfillment of any obligation imposed upon him by law (c) for the purpose of bringing him before a Court in the execution of the order of a Court or upon reasonable suspicion of him having committed a criminal offence or to such extent as may be reasonably necessary to prevent his committing a criminal offence

(d) in the case of a person who has not attained the age of eighteen years for the purpose of his education or welfare

(e) in the case of persons suffering from infectious or contagious disease, persons of unsound mind, persons addicted to drug or alcohol or vagrant, for the purpose of their care or treatment or the protection of the community or

(f) for the purpose of preventing the unlawful entry of any person into Nigeria or affecting the expulsion, extradition or other lawful removals from Nigeria of any person or the taking of proceedings relating thereto. Provided that a person who is charged with an offence and who has been detained in lawful custody awaiting trial shall not continue to be kept in such detention for a period longer than the maximum period of imprisonment prescribed for the offence.”

Fundamental rights are rights that have constitutional backing and which upon an actual breach or threat of breach are enforceable in Court. Due to the constitutional nature of these rights, they are placed on a higher pedestal than ordinary civil matters in which a claim for damages resulting from a proven injury has to be made specifically and proved. **JIM-JAJA VS. C.O.P RIVERS STATE (2013) 22 WRN 39 at 56.**

The Applicants herein, have approached this Court according to them to redress the alleged unlawful harassment and intimidation on the person of the 2nd Applicant by the Agents of the 1st – 4th Respondents over a contractual issue with no basis for the commission of any crime.

It is instructive to state here that, in determination of whether or not the insistent threat of arrest, harassment and intimidation of the Applicant as alleged by them is unlawful, and the reasons for the invitation is to be taken into consideration in line with the statutory duties and functions of the 1st – 4th Respondents.

I have gone through the affidavit in support of the Applicants application in this case, I have equally gone through the counter affidavit filed by the 5th and 6th Respondent in this case. However, the 1st to 4th Respondent whom the Applicant alleged served him the Notice in this case have failed and or neglected to file their counter affidavit to the Applicants case.

It is true that the Police have a duty to protect life and property and to detect crime. All these must be done within the confines of the law establishing the Police and the Constitution of Federal Republic of Nigeria 1999 as amended and under the Police Act section 4 of the Act provides:

“The Police shall be employed for the prevention and detection of crime, the apprehension of law and order, the protection of

life and property and the due enforcement of all laws and regulations with which they are directly charged, and shall perform such military duties within or outside Nigeria as may be required by them, or under the authority of this or any other Act.”

Permit me to observe that the Nigerian Constitution 1999 as amended is founded on the rule of law the primary meaning of which is that everything must be done according to law. It means also that governance should be conducted within the framework of recognized rules and principles which restrict discretionary power. It presupposes that, the state and all her apparatus including the 1st to 4th Respondent are subject to the law.

The case of the Applicants in view is that sometimes in January, 2018, the Applicants and the 5th and 6th Respondents signed an agreement with respect to an outstanding payment from the NNPC as a result of a contract duly executed by the Applicants for NNPC. The said memorandum was annexed as Exhibit **Fungtai ‘A’**.

The Applicant alleged further that after the execution of the Memorandum between the parties, the 5th and 6th Respondent went to sleep and that was able to recover the money through Supreme Court Judgment in suit No. **SC/182/2018 NNPCCL NIG. LTD VS. FUNGTAI ENGINEERING COMPANY LTD.**

The said assertion was corroborated by the 5th and 6th Respondents that indeed, there exist contract between the parties, but that it has faithfully performed it part of the contract, but the Applicants refused to honour the terms of the contracts. And this led to the petition to the 1st to 4th Respondents for criminal breach of contract. And that, the Applicants

first wrote a petition to the Police before the 5th and 6th Respondents did their petition.

I have seen Exhibit ‘A’ which is the main crux of this case, i.e. the Memorandum of Agreement between the parties. Clause 9.1, 9.2, 10.1 and 10.2 of the said Memorandum is hereby reproduced.

9.1 “Where any dispute arises from the subject matter or execution of this agreement, the parties shall resolve same amicably.”

9.2 Where the parties do not reach an amicably settlement, parties shall resort to arbitration

10.1 Where settlement has failed, parties shall resolve to arbitration and the arbitrator shall be appointed by the Chief Judge of the Federal High Court of the FCT.

10.2 The arbitration shall be governed by the Arbitration and Conciliation Act Cap A18 Laws of the Federation of Nigeria LFN, 2004.

I have seen the petition written to the 1st to 4th Respondents which led to the invitation of the Applicants by the 1st to 4th Respondents. The said petition titled “Breach of Facilitator Agreement dated 12/01/2018 Recovery of Contract sum from Nigerian National Petroleum Company Ltd and your letter dated 25th September, 2024.”

The question is does breach of **Exhibit ‘A’** which is the Memorandum of Understanding between the parties amount to crimes for the intervention of the 1st to 4th Respondents? Section 311 of the Penal Code has this to say:

“whoever being in any manner entrusted with property or with any dominion over property, dishonestly misappropriates or converts to his own use that property or dishonestly uses or

disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract express or implied, which he has made touching the discharge of such trust or willfully suffers any person so to do, commits breach of trust.”

From the above, it is clear that a breach of contract and a breach of trust is different. A breach of contract on one hand is a violation of a contractual obligation by failing to perform one’s own promise under the contract by repudiation of the contract agreement. Whereas a breach of trust occurs with the trustee’s violation of either the trust terms or the trustee’s fiduciary obligation.

The Nigeria Courts have consistently declared as unlawful the attitude of the Police and other Law Enforcement Agencies meddling with contractual issues involving recovery of funds/debts. The Court held in the case of **THEOPHILUS KURE VS. COMMISSIONER OF POLICE (2020) 9 NWLR (PT. 1729) 296 at 307** as thus;

“.....as I went through the facts of this case, I was wondering how a purely civil matter could easily metamorphose and transubstantiate into a pure criminal case. The end result now is that the appellant has suffered irreparable damage of disgrace, shame, odiousness and untold hardship in the hand of the Police that is constitutionally and legally saddled with the prosecution of criminal offences. The Police have muzzled the rights and freedom of Nigerians even where cases are clearly outside their jurisdiction power or corridor if this is not curbed, everybody including the judicial officers will suffer always from floodgate of civil matters being hijacked by the Police and transmitted into crimes. If this is not tackled, everybody would have suffered in the mercy hand of Police which has become a law into itself in this Country.”

Poser: Why did the Police accept to act on the complaint of the 5th and 6th Respondents? Does the Police despite the wide powers statutorily created for them under section 4 of the Police Act earlier reproduced, have the mandate of acting as a Debt Recovery Agents for or in conjunction with creditors?

Why did the 1st to 4th Respondent refused to counter the averments of the Applicants in support of the application despite service of the process on them?

This I must say, is a clear perfection of conspiracy between the Police and the 5th and 6th Respondents to breach the Fundamental Right of the Applicants.

The position of the law is that, when in a situation in which facts are proved by affidavit, as in this case, one of the parties deposed to certain facts, his adversary has a duty to swear to an affidavit to the contrary, if he disputes the facts. Where such a party fails to swear to an affidavit to controvert such facts they may be regarded as duly established. **AGBAJE VS. IBRU SEA FOOD (1972) 5 SC 50 @ 55.**

It is also the law that unchallenged and uncontroverted facts deemed admitted in the affidavit must be capable of proving and supporting the case of the Appellant as ***OGIOEJE OFO VS. OGIO EJIOFOR (2006) 3 NWLR (PT. 966) page 14.***

I dare say that the rule of law is not merely of some importance but is of fundamental importance that justice should not only be done but should manifestly and undoubtedly be seen to be done. The justice of this case shall be to ensure all persons are protected from the evil eyes of the 1st to 4th Respondent who have refused to come and answer for their sins.

The 1st to 4th Respondents in this case are meddlesome interlopers and busybody, the must salutary step the 1st to 4th Respondents would have done is to refer parties to court not for them to interfered in a civil action that has no criminal element.

Having failed to file counter affidavits, I am convinced that the action of the 1st to 4th Respondent is illegal and attempted violation of the Applicants' fundamental right. I so hold.

I therefore entered Judgment for the Applicants against the Respondents as follows:

1. **A DECLARATION IS HEREBY MADE** of this Honourable Court that the consistent and insistent unlawful harassment, intimidation and threat of arrest, together with series of invitation and stalking of the 2nd Applicant's phone with telephone calls by the Agents of the 1st, 2nd, 3rd & 4th Respondents at the instigation, behest and/or instance of the 5th & 6th in respect of an unfounded allegation is unconstitutional, illegal and an infringement and violation of the 2nd Applicant's fundamental rights as enshrined and guaranteed by Sections 34(1) (a), 35(1), 37, 41 (1) and 44 (1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).
2. **A DECLARATION IS HEREBY MADE** that the continuous threats of arrest and/or detention, harassment, invitation and intimidation of the Applicants by the 1st, 2nd, 3rd & 4th Respondents at the behest of the 5th & 6th Respondents in respect of an unfulfilled contract agreement signed between the 2nd Applicant and the 5th & 6th Respondents, is unconstitutional, illegal and a gross violation of the Applicants' fundamental Right as enshrined

under sections 34, 35, 37, 41 and 44 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

3. **I FURTHER MAKE A DECLARATION** that it was unlawful and illegal for the members of the 1st, 2nd, 3rd & 4th Respondents at the instigation, behest and/or instance of the 5th & 6th Respondents to consistently harass, intimidate the Applicants over a simple business transaction, constitutes the violation of the Applicants' fundamental rights.
4. **A DECLARATION** that it was unreasonable and unlawful for the Officers and Men of the 1st, 2nd, 3rd & 4th Respondents at the instigation of the 5th & 6th Respondents to continuously harass and intimidate the Applicants with threat of arrest and humiliation of the 2nd Applicant using the instrumentality of the 1st, 2nd, 3rd & 4th Respondents and lead by the 3rd & 4th Respondents in respect of a purely civil contract executed by the parties, and in the circumstances of this case, is ultra vires their powers and in clear breach of the 2nd Applicant's fundamental human rights for freedom, dignity of person **IS HEREBY GRANTED**.
5. **I HEREBY DECLARE** that the insistent threat or further threat of arrest, harassment and intimidation of the 2nd Applicant at odd times with series of telephone calls and letters of invitation under the guise of conducting investigation by the 1st, 2nd, 3rd & 4th Respondents at the behest of the 5th & 6th Respondents over a purely civil contract executed by the parties, constitute a breach of the fundamental rights of the 2nd Applicant, wrongful, unconstitutional and flagrant disregard to the Rule of Law.
6. **AN ORDER OF THIS HONOURABLE COURT IS HEREBY GRANTED** restraining the Respondents either by themselves, privies, agents, cohorts, other Security and Law Enforcement Agencies of the Federal Government of Nigeria or through whomsoever from further threat of arrest, arresting, intimidating, harassing, disturbing, investigating, detaining or issuing threats of

detaining the Applicants and/or interfering with the Applicants' peaceful rights to carry out their lawful activities/businesses.

7. **AN ORDER OF PERPETUAL INJUNCTION** restraining the 1st, 2nd, 3rd & 4th Respondents whether by themselves, Servants, Agents, Privies, Proxies and any person or persons whatsoever at the behest of the 5th & 6th Respondents from carrying any act or omission that are inimical to the rule of law or that will breach Applicants' right to the dignity of their human persons and the right to personal liberty as guaranteed by Section 34 (1) (a), Section 35 (1), Section 41(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) except within the circumstances permitted by the Constitution **IS HEREBY GRANTED.**

On general damage, I hereby award the sum of **₦2,000,000.00** against the Respondents.

**SIGNED:
HON. JUDGE
29/05/2025.**

APPEARANCE:

I. C. Anigbogu, Esq, with K. E. Cyril-Ita, Esq, and A. I. Mohammed, Esq, for the Applicants

C. C. Agbalugo, Esq, for the 5th and 6th Respondents