

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT MAITAMA**

**BEFORE HIS LORDSHIP: HON. JUSTICE H. MU'AZU**

**SUIT NO: FCT/HC/CV/4540/2025**

**DELIVERED ON THE: 10/12/2025**

**BETWEEN:**

1. RITA DANIELS
2. REGINA DANIELS
3. DESTINY DANIELS
4. LAWRENCE OJEOGWU
5. EMMANUEL ONUOHA CHUKWUJI
6. ANTHONET NGOZI IZEGBU
7. SONIA OSADEBAMWEN
8. IFEOMA ONUOHA DANIELS
9. FAVOUR OKEKE
10. PRAISE OKOLIE
11. NKECHI FREDRICK
12. DORIS OGALA

.....APPLICANTS

**AND**

1. SENATOR NED NWOKO
2. INSPECTOR GENERAL OF POLICE

.....RESPONDENTS

**JUDGMENT**

The Applicants alleged that the 2<sup>nd</sup> Applicant and 1<sup>st</sup> Respondents though currently estranged are husband and wife. That since the 2<sup>nd</sup> Applicant married the 1<sup>st</sup> Respondent she has suffered series of marital abuse and domestic violence caused by the 1<sup>st</sup> Respondent and that on countless occasions, the 1<sup>st</sup> Respondent has used his

position as a powerful politician to intimidate and abuse his wife by ordering police officers attached to him or thugs under his payroll to lock up and beat up the 2<sup>nd</sup> Applicant. The Applicant averred that on 18/10/2025, in his usual manner, the 1<sup>st</sup> Respondent following a minor domestic dispute ordered his thugs to beat up the 2<sup>nd</sup> Applicant and her sister. The incident was reported on various news and media platforms.

The 1<sup>st</sup> Respondent post on X (formerly Twitter) where he made a post titled “***Regina’s unprovoked carnage and Rampage in my house and in my absence***” where he accused the 2<sup>nd</sup> Applicant of drug abuse and alcoholism. It is on this premise that the Applicants by an Originating motion dated 10/11/2025 and filed the 11/11/2025 approached this Court for the enforcement of their fundamental right and sought for the following reliefs:

- (1) *A declaration that the threat to arrest and detain the Applicants by the 1<sup>st</sup> Respondent using the 2<sup>nd</sup> Respondent and police officers acting under his command and control, whosoever named or designated is unlawful, unconstitutional, null, void and a breach of the Applicant’s fundamental rights to personal liberty and right to freedom of movement protected under section 35 and Section 41 of the constitution of the Federal Republic of Nigeria 1999 (As amended).*
- (2) *An order of perpetual injunction restraining the Respondents, their officers, agents, privies or anybody acting in accordance to their instruction, however named or designated, from further threatening to arrest and detain the Applicants.*

The said application was duly served on the Respondents and they both filed their counter affidavit to the Applicants' application. Parties in line with laws and procedure in matters brought under the Fundamental Right (enforcement procedure) Rules adopted their processes on the 03/12/2025 to pave the way for this judgment.

The case of the Applicants as introduced in the preceding part of this Judgment is that the 2<sup>nd</sup> Applicant and the 1<sup>st</sup> Respondent are a couple duly married. That since their marriage, the 2<sup>nd</sup> Applicant has suffered series of marital abuse and domestic violence caused by the 1<sup>st</sup> Respondent. That on the 18/10/2025, in his usual manner, the 1<sup>st</sup> Respondent following a minor domestic dispute, ordered his thugs to beat up the 2<sup>nd</sup> Applicant and her sister, the 3<sup>rd</sup> Applicant, and to throw them out of his house. And that after the news broke out, her son Samuel Ojeogwu and some of his Siblings rushed to rescue the 2<sup>nd</sup> Applicant from the physical assault and abuse she suffered.

It is the deposition of the Applicants that the 1<sup>st</sup> Respondent caused a spurious petition to be written to the 2<sup>nd</sup> Respondent and his officers which eventually led to the arrest of Samuel Ojeogwu and he was detained for a period of five days before he was arraigned before a Magistrate court in Dutse in the FCT. That upon arraignment, the Magistrate made an order for him to be detained in prison.

The 1<sup>st</sup> Respondent has threatened that unless the 2<sup>nd</sup> Applicant returns to him, that he will use officers of the 2<sup>nd</sup> Respondent to arrest and detain all the Applicants. That in a video post made by Martins Vincent Otse, popularly known as **VeryDarkMan**, on Instagram through his Instagram handle @verydarkblackman and @thverydarkman on the 7/11/2025, confirmed that he spoke with the 1<sup>st</sup> Respondent who insisted that the 1<sup>st</sup> Applicant would be arrested.

That the Applicants have not committed any crime to warrant the threats of arrest and detention by the 1<sup>st</sup> Respondent using officers under the command and control of the 2<sup>nd</sup> Respondent. The Applicants annexed the 1<sup>st</sup> Respondent post on his X handle and various chat on X handle.

A written address was filed, wherein counsel for the Applicants formulated a sole issue for determination, to wit:

**“can the Honourable court grant the reliefs sought in this suit in order to ensure that the fundamental rights of the Applicants to liberty and freedom of movement are safeguarded from breach following the threats of their arrest and detention by the 1<sup>st</sup> Respondent using the instrumentalist of the office of the 2<sup>nd</sup> Respondent”**

Learned counsel submitted that this court can grant the reliefs sought in this suit in order to ensure that the fundamental rights of the Applicants are safeguarded from breach following the threats of their arrest and detention by the 1<sup>st</sup> Respondent.

Reacting to the application, the 1<sup>st</sup> Respondent filed a counter affidavit of 36 paragraphs deposed to by the 1<sup>st</sup> Respondent himself. It is the deposition of the 1<sup>st</sup> Respondent that the 3<sup>rd</sup> to 12<sup>th</sup> Applicants are drug peddlers who surreptitiously introduced the 2<sup>nd</sup> Applicant to severe substance abuse including Marijuana, cocaine and other hard drugs as confirmed by a medical report. That his marriage with 2<sup>nd</sup> Applicant for over 7 years is blessed with two children namely Munir Nwoko and Khalifa Nwoko aged 5 and 3 respectively. And that he has never abused the 2<sup>nd</sup> Applicant in any

manner whatsoever throughout the seven years of their marriage nor used his position as a politician to intimidate or abuse the 2<sup>nd</sup> Applicant or any other person.

It is further the deposition of the 1<sup>st</sup> Respondent that the 2<sup>nd</sup> Applicant has been consistently using drugs and most time under the influence of these substances, she neglects her parental duties and abandoned the children in their time of need. That a blood sample of the 2<sup>nd</sup> Applicant was taken to Boraxe Medical Diagnostics for toxicology test which came back positive for Marijuana, Cocaine, Morphine, Opiates and Alcohol at high toxic levels and therapy was recommended for the 2<sup>nd</sup> Applicant to detoxify. That 3<sup>rd</sup> to 12<sup>th</sup> Applicants herein are the friends and family members who supply the dangerous drugs to the 2<sup>nd</sup> Applicant. That the 2<sup>nd</sup> Applicant in her Instagram post on her handle @Reginadaniels on the 09/11/2025 admitted that she is doing drugs. The 2<sup>nd</sup> Applicant collapsed from excessive ingestion of drugs and she was rushed to Nizamiye Hospital where she was admitted and treated. That under the influence of drugs the 2<sup>nd</sup> Applicant went on a violent rampage, destroying properties in their family home including windows, cars and light in the presence of the children. And that the 2<sup>nd</sup> Applicant's brother named Samuel Ojeagwu led thugs to his home and turned his home to a theater of war and while his staff, Kemule Bishop Nwiya Jnr attempted to stop Samuel Ojeagwu and his thugs from further assault on the residents, and destruction of properties, they beat him up for daring to stop them and that it was the said Kemule Bishop Nwiya Jnr that wrote a petition to the Nigeria Police force, Maitama Division to investigate the said assault and also filed a suit for enforcement of his Fundamental right. That he did not cause the arrest of Samuel Ojeagwu or any other person for that

matter. The following documents were annexed to the 1<sup>st</sup> Respondent's counter affidavit, to wit:

- (1) Boraxe Medical Diagnostics report.
- (2) Serenity Royale Hospital report.
- (3) Message from 2<sup>nd</sup> Applicant's X handle.
- (4) Medical report of Nizamiye Hospital.
- (5) Picture of destroyed properties.
- (6) Petition to the Area Command, Metro Area command, Nigeria Police Maitama, Abuja.
- (7) Fundamental right suit.

A written address was filed, wherein the issue ***“whether Applicants are entitled to be granted the reliefs sought in the circumstances”*** was formulated for determination.

Learned counsel argued the above issue succinctly in urging the court to dismiss this application in the interest of justice.

On the part of the 2<sup>nd</sup> Respondent, a 10-paragraph counter affidavit was filed deposed to by PC Akpambe Clement, a litigation clerk attached to the directorate of legal services of the 2<sup>nd</sup> Respondent. It is the deposition of the 2<sup>nd</sup> Respondent that it has statutory power to detect arrest, investigate and prosecute offenders.

That there was a petition by one Kemule Nwiya Jnr dated 22/10/2025 tilted ***“complaint of criminal conspiracy, trespass, Assault, criminal intimidations, theft and cyber bullying against Mr Sammy Ojeafor and three others”*** addressed to the police and investigation was conducted and the said Mr Sammy Ojeafor was charged to court.

That no arrest, detention or threat to the Applicants' right to liberty, dignity or movement was made at any time. The 2<sup>nd</sup> Respondent annexed the copy of the petition as Exhibit 1

A written address was filed wherein three (3) issues were formulated for determination, to wit;

- 1) Whether the Applicants have made out a case under the Fundamental Right Enforcement Procedure Rules that will entitle them to the reliefs sought in this application.***
- 2) Whether any of the Applicant's fundamental right has been violated.***
- 3) Whether this Honourable court can restrain the Respondents from performance of statutory duties.***

Learned counsel argued the above issues citing relevant case laws in urging this court to dismiss this application.

The Applicant filed a further affidavit upon been served with the counter affidavit of the Respondents and stated that the person referred to in the purported petition of 22<sup>nd</sup> October, 2025 Sammy Ojeofor is not the son and brother of the 1<sup>st</sup> and 2<sup>nd</sup> Applicant. That the Applicants are not drug Peddlers, and there is no evidence that the 2<sup>nd</sup> Applicant destroyed the 1<sup>st</sup> Respondent house. And also, that the 1<sup>st</sup> Respondent has not debunked the statement in the video made by Martins Vincent Otse (Very Dark Man). That it will be in the interest of Justice to grant this application.

## **COURT**

I have given a careful consideration to the processes filed before me in this case, and to my mind, the sole issue that is up for determination is: ***Whether the Applicants have made out a case to entitle them to the reliefs sought in this suit***"

It is the duty of courts in every society to safeguard the Fundamental rights of person(s). The importance of these Fundamental rights becomes obvious by their entrenchment in the constitution. See **COMMISSIONER OF JUSTICE, KEBBI STATE VS JOKOLO & ORS (2013) LPELR CA/A/35/2010**

The relevant section in this case which guaranties the liberty of every Nigeria under our constitution is Section 35(1) of the 1999 constitution of Nigeria which provides as follows:

**35 (1) every person shall be entitled to his personal liberty save in the following case and in accordance with a procedure permitted by law (a) in the execution of the sentence or order of a court in respect of a criminal offence of which he has been found guilty. (b) by reason of his failure to comply with the order of a court or in order to source his fulfilment of any obligation imposed upon him by laws. (c) for purpose of bringing him before a court in the execution of the order of a court or upon reasonable suspicion of his 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 attend the age of eighteen years for the purpose of his education or welfare. (e) In the case of person suffering from infectious on contagious diseases, persons of unsound mind, person addicted to drugs or alcohol or vagrants for the purpose of their care or treatment of 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 of other**

**lawful removals from Nigeria of any person who is charged with an offence and who was 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 prescribe for the offence.**

Therefore, from the above provision, there is no room for any arbitrary arrest or detention of any person in Nigeria. There must be a prevalence of any of the accepted instances therein for any person to be arrested. Anything short of that is clearly in breach of the right of the individual to liberty and expose the person arresting or detaining to an action for violation of the fundamental right. See **USMAN VS EFCC (2017) LPELR 43196 (CA) OKEKE & ANOR VS IHEAZIE & ORS (2018) LPELR 45017 SC.**

In the case of **GUSAU & ORS VS UMEZURUIKE (2012) PLELR 8000 CA** the court held *“that detention, no matter how short, can be a breach of fundamental right. But that can only be so if the detention is adjudged wrongful or unlawful in the first place, that is if there is no legal foundation to base the arrest and/or detention of the Applicant.* See **OKONKWO VS OGBOGU (1996) 5 NWLR (PT 499) 420.**

Where there is an evidence of arrest and detention which were done or investigated by Respondent, in an action for enforcement of fundamental rights application, it is for the Respondent to show that the arrest and detention were lawful. See **AGBAKOBA VS SSS (1994) 6 NWLR (PT 351) 45.**

It is the deposition of the Applicants that the 1<sup>st</sup> Respondent has employed the machinery of the 2<sup>nd</sup> Respondent and police officers under his command and control to harass and intimidate members of the Applicants’ family. And that the 1<sup>st</sup> Respondent caused a

spurious petition to be written to the 2<sup>nd</sup> Respondent and his officers which eventually led to the arrest of Samuel Ojeagwu and that the said Samuel Ojeagwu was detained for a period of five days before he was eventually arraigned before a magistrate court.

I have seen a copy of the petition. The said petition is titled ***“Complaint of Criminal conspiracy, trespass, assault, criminal intimidation, theft and cyber bully against Mr. Sammy Ojeofor and three others.”*** The said petition is dated 22/10/2025 and addressed to the Area Commander, Metro Area command, the Nigerian Police, Maitama Abuja. And it was signed by one Kenule Nwiya Jnr with phone Number **08065834077**.

By section 214 (s)(b) of the constitution of Nigeria 1999 as amended, the Nigeria police force established under subsection (1) of section 214 is primarily saddled with the enormous responsibility of maintaining law and order in the society. These functions are more specifically provided for in section 4 of the police Act where it provides for the prevention and detection of crime, apprehension of offenders, the preservation of life and property and the due enforcement of all laws and regulations which they are directly charged with and shall also perform such military duties within and outside Nigeria as may be required of them by or under the authority of the police Act or any Act or law in Nigeria.

It is for this reason that the courts are very cautious and reluctant to interfere unjustifiably and unnecessarily with the discharge of their function except in a very clear case of infringement on the fundamental rights of the citizens as enshrined and constitutionally guaranteed. See **IGP & ORS VS IPILE & ANOR (2015) LPELR 40130 (CA)**.

The Applicants alleged that one Samuel Ojeagwu was detained for five days before taken to court. The allegation the Respondents

denied. The law is that even when a person is arrested or detained within the scope of the law, he must be brought before a court for prosecution and this must be done within the time frame stated by the law. This is a 24 hours' time frame or 48hours depending on how close a court is to the location of the scenes of crime or place of arrest. This position also reflects the stand of the Administration of criminal justice Act, 2015 in such regard. The law makes provision for law enforcement agents to arrest and detain a person who is alleged to have committed an offence. In doing this, the procedure is to do a proper investigation and if it shows that a person has a hand in the crime, then he can be arrested and brought to court within 24 hours or maximum of 48hours.

It is inappropriate for law enforcement agents to arrest a person and to look around for evidence to prosecute him while in the detention. The purpose of the constitutional provision is to forestall the misuse of power of arrest and detention by law enforcement agencies. See **EFCC VS OYUBA & ORS (2019) LPELR CA/147DC/2016.**

The question is, was there any infringement of the Applicant's right by the Respondent with respect to arrest and detention of one Samuel Ojeogwu or threat of arrest and detention as alleged?

I have seen **Exhibit P1** annexed by the 2<sup>nd</sup> Respondent to its counter affidavit before me, which is a copy of petition written to it which saw the arrest and detention of one Samuel Ojeogwu. I must say the facts before me are distorted, this is because, the Applicants in their affidavit stated that a petition was written by the 1<sup>st</sup> Respondent against Samuel Ojeogwu and he was arrested and detained. The 1<sup>st</sup> Respondent denied writing any petition but stated that it was Kenule Nwiya Jnr who wrote the petition against Mr. Sammy Ojeofor and three others. In the said petition, the petitioner described the said Sammy Ojeofor as the brother of the 2<sup>nd</sup> Applicant.

The question is, does the name Samuel Ojeogwu and Sammy Ojeafor means one and the same person? I have read the further affidavit of the Applicants wherein the denied any knowledge of Sammy Ojeafor.

I have however seen **Exhibit H** annexed by the 1<sup>st</sup> Respondent in evidence, i.e. Originating motion on Notice filed by Kemule Bishop Nwiya Jnr against Inspector General of Police and 6 others. The name Samuel Ojeagwu appeared as No 4 on the list of Respondents. It is further in evidence by paragraph 27 (d) and (e) of the 1<sup>st</sup> Respondent's counter affidavit as thus:

27 (d) “

**That Kemule Bishop Nwiya JNR informed me on the 22/10/2025, that he wrote a petition to the Nigeria Police Force Maitama Division to investigate the said assault on him. The said petition is hereby attached and marked as Exhibit “G”**

Paragraph 27 (e)

**that kemule Bishop Nwiya JNR also informed me that he filed a suit against the Applicants in this suit who attacked him on the 17/10/2025 for the enforcement of his fundamental rights vide the suit with suit No NSP/MG/868/2025 before the High court of Nasarawa State. The said originating process is hereby attached and marked as Exhibit “H”**

From the above, it is obvious that the said Petition written to the 2<sup>nd</sup> Respondent has to do with Samuel Ojeogwu.

Assuming without conceding that there was infringement of the fundamental right of the said Samuel Ojeogwu by the Respondents in this case, can the court enforce same?

My answer is in the negative base on the following facts:

- (1) The said Samuel Ojeogwu is not an Applicant before me.
- (2) The person that wrote the petition that led to the arrest and detention of the said Samuel Ojeagwu was not made a Respondent before me.
- (3) The 1<sup>st</sup> Respondent did not author any petition to the 2<sup>nd</sup> Respondent as there is no evidence of such petition before the court.
- (4) There is no real evidence before the court that the said Samuel Ojeogwu was detained beyond the constitutional period as provided by law.

Having observe thus, I shall now consider other issues of infringement and threat of infringement of the fundamental rights of the Applicants as alleged by them.

It is trite position of law that an Applicant who approaches the court for enforcement of his fundamental rights must prove the existence of those rights and its infringement. Therefore, what this court must determine is whether the Applicants were able to establish with credible evidence, the existence of those facts and infringement of their rights.

To do that, the affidavit in support of the application for enforcement of their fundamental rights and the Respondents reaction to those averment as contained in the counter affidavit are the readily available materials for the use of the court. See **ABUJA ELECTRICITY DISTRIBUTION COMPANY PLC & ORS VS LT. COL C OKAHIRO & ORS (2021) LPELR 84212 (CA)**.

The correct approach in a claim for the enforcement of fundamental Rights is to examine the relief sought, the grounds for such relief and the facts relied upon. Where the facts relied upon discloses breach of the fundamental right of the Applicant as the basis of the

claim, there must be a redress, however where the alleged breach of right is ancillary or incidental to the main grievance or complaint, it is incompetent to proceed under the rules. This is because, the right, if any, violated, is not synonymous with the substantive claim which is the subject matter of this action. Enforcement of the fundamental right of person cannot resolve the substantive claims which is in any case different. See **RUMUGU AIR AND SPACE (NIG) LTD VS FAAN & ANOR (2016) LPELR 41806 (CA)**.

For an application alleging infringement or likely infringement of the Applicants fundamental rights to succeed, they must place before the court all vital evidence regarding the infringement or breach of such rights. It is only thereafter that the burden shifts to the Respondents. Where that has not be done or scanty evidence was put in by the Applicant, the trial court can strike out such application for being devoid of merits. See **FAJEMIROKUN VS CB (CL. NIG) LTD (2015) 10 NWLR (PT 724) 95**.

I have seen and read the allegation of the Applicants which has to do with the alleged threat by the 1<sup>st</sup> Respondent that unless the 2<sup>nd</sup> Applicant returns to him, he will use officers of the 2<sup>nd</sup> Respondent to arrest and detain all the Applicants. The Applicants annexed **Exhibit “D”** which is a daily post with caption ***“Ned Nwoko has ordered my Arrest-Reginal Daniels’ mother.”***

Also, in evidence is a video post made by Martins Vincent Otse, Popularly Known as Very Dark Man on instagram through his instagram handle as verydarblackman on the 07/11/2025 which he confirmed that he spoke with the 1<sup>st</sup> Respondent who insisted that the 1<sup>st</sup> Applicant will be arrested and that already 1<sup>st</sup> Respondent made plans to have 1<sup>st</sup> Applicant arrested.

It is equally in evidence that the 1<sup>st</sup> Respondent and 2<sup>nd</sup> Applicant are married with Children. It is equally in evidence that the 1<sup>st</sup> Respondent alleged that the 2<sup>nd</sup> Applicant is into drugs and some medical documents were annexed to that effect. The Applicants by their affidavit also confirm that the issue between the 1<sup>st</sup> Respondent and the 2<sup>nd</sup> Applicant has to do with minor domestic dispute.

This can be seen in paragraph 9, 10, 11 of the affidavit in support of the application for the enforcement of the fundamental right.

I must state that, the averment in support of the Applicants originating motion are speculative and a conjecture of their imaginations. A court cannot decide issues on speculation, no matter how close what it relies on may seem to be on the facts. Speculation is not an aspect of inference that may be drawn from facts that laid before the court. **VIENAGBOR VS ISAZUAYE & ANOR (1999) LPELR 18621 SC.**

From the fact of this case as revealed in the affidavit of parties, it is obvious that this application is speculative and lacking in merit. Consequently, Suit No **FCT/HC/CV/4540/2025** lacking in merit is hereby accordingly **dismissed**.

**SIGNED:**  
**HON.JUDGE**  
**10/12/2025**

**APPEARANCE:**

*Chimezie Ogenna Nwodo, Esq, for the Applicants*

*K. M. Nomeh, Esq, for the 1<sup>st</sup> Respondent*

*B. T. Kola –Idowu, Esq, with M. O. Kalejaiye, Esq, for the 2<sup>nd</sup> Respondent*