

IN THE FEDERAL HIGH COURT OF NIGERIA

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ABUJA

ON WEDNESDAY, THE 11TH DAY OF MARCH, 2026

BEFORE HIS LORDSHIP HON. JUSTICE JOYCE O. ABDULMALIK
JUDGE

SUIT NO: FHC/ABJ/CS/659/2025

BETWEEN:

SANUSI NABATA BADAMASI - - - APPLICANT

AND

1. KYC INTER PROJECT LIMITED
2. MR. MICHAEL AYUBA AUTA
3. DCP AKIN FAKOREDE
(Head IGP Monitoring Unit)
4. CSP MAGAJI K. MOHAMMED
5. THE INSPECTOR GENERAL OF POLICE

RESPONDENTS

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JUDGMENT

In an application for the enforcement of Applicant fundamental right, dated 7th April 2025 but filed 8th April 2025, Learned Senior counsel on behalf of Applicant prayed the Honourable Court for the following reliefs:-

1. *A Declaration that the intimidation, harassment, invitation, coercion, duress and threats of arrest by the 3rd, 4th and 5th Respondents at the behests of the 1st and 2nd Respondents, over a purely civil matter between the Applicant and the 1st Respondent which is subject of court proceedings and also pending before an arbitral tribunal, constitutes a violation of the Applicant's fundamental rights to dignity of human person, personal liberty, freedom of movement as guaranteed under Sections 34, 35(1), 41(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as Amended), and Articles 3, 5, 6, and 12 (1) of the African Charter on Human and People's Rights (Ratification and Enforcement) Act, CAP A9, LFN 2004.*
2. *A Declaration that the actions of the 3rd, 4th and 5th Respondents in making it compulsory for the Applicant with a fragile health, to constantly attend the interrogations at the IGP Monitoring Unit of the Nigeria Police Force Headquarters in respect of a purely civil dispute which is subject of court proceedings and also pending before an arbitral tribunal, amounts to an infringement of his fundamental rights to dignity of human persons, personal liberty and freedom of movement as guaranteed under Sections 34, 35(1), 41(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as Amended).*
3. *A Declaration that the actions of the 3rd, 4th and 5th Respondents in extra-judicially detaining the Applicant with a fragile health on the 26th day of March, 2025, because he refused to yield to the 3rd, 4th and 5th Respondents' intimidation, and harassment to do the bidding of the 1st and 2nd Respondents in respect of the purely civil dispute which is subject of court proceedings and also pending before an arbitral tribunal, amounts to an infringement of his fundamental rights to dignity of human persons, personal liberty and freedom of movement as guaranteed under Sections 34, 35(1),*

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41(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as Amended).

4. An Order of Perpetual Injunction restraining the Respondents, their agents, privies, and/or assigns, however described, from further acts that will constitute intimidation, harassment, threat, or arrest, arrest and/or detention of the Applicant in connection with the subject matter of this Suit, and from acting at the instigation of the 1st and 2nd Respondent to violate or perpetrate any further violation of the Applicant's fundamental rights in any manner.
5. An Order directing the 1st and 2nd Respondents, jointly and severally to pay the Applicant the sum of N50,000,000.00 (Fifty Million Naira only, as exemplary damages for instigating and procuring the violation of the Applicant's fundamental rights.
6. An Order directing the 3rd, 4th, and 5th Respondents jointly and severally to pay the Applicant the sum of N50,000,000.00 (Fifty Million Naira) only, for acts of intimidation, violating the personal liberty, and freedom of movement of the Applicant.
7. And For Such Further or Other Order(S) as this Honourable Court may deem fit to make in the circumstance.

This application is predicated on ten grounds, to wit:-

- a. The Applicant is a shareholder and alter ego of Cozmo Park Consortium Limited, a private limited liability company incorporated under the laws of the Federal Republic of Nigeria.
- b. As part of his role in sustaining the company's business, and to support and facilitate its operations and related activities, sometimes in 2019, the Applicant acting on behalf of Cozmo Park Consortium Limited entered into a Memorandum of Understanding with the 1st Respondent for the sale of its 16 plots of land known as Plots 1783, 1802, 1790, 1979, 1787, 1784, 1791, 1793, 1794, 1801, 1795, 1799, 1798, 1797, and 1796, all residential plots covered by

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certificates of occupancy, for a valuable consideration of N1,000,000,000 (One billion Naira) only.

- c. The 1st Respondent breached the Agreement with Cozmo Park Consortium Ltd even from the initial instalment, and the matter has since been referred to courts of competent jurisdiction in SUIT NO: FCT/HC/CV/2528/2021, BETWEEN KYC INTER PROJECT LIMITED AND COZMO PARK CONSORTIUM LTD filed on 4th March, 2022 by the 1st Respondent and SUIT NO: FCT/HC/CV/806/2022, BETWEEN: MA'ARUF SADIQ ABDULLAHI & 3 ORS V. KYC INTERPROJECTS LTD AND ANOR, filed on the 11th March, 2022 for breach of contract by the Applicant, and Arbitral Tribunal for the resolution of dispute between the 1st and 2nd Respondent and Cozmo Park Consortium Ltd.
- d. Despite the pendency of the matters, the 1st and 2nd Respondents instead of furthering with the matters pending in courts and the Arbitral Tribunal, has instead resorted to maliciously using the 3rd, 4th, and 5th Respondents as a tool for intimidation, harassment, humiliation, and coercion of the Applicant, by instigating the 3rd, 4th, and 5th Respondents with baseless allegations against the Applicant, and falsely framing a commercial dispute pending before a Court of law as a criminal matter.
- e. Consequently, the 3rd, 4th, and 5th Respondents, actions, including repeated harassment, humiliation and unwarranted invitations of the Applicant to the IGP Monitoring Unit at the behest of the 1st and 2nd Respondents, is illegal as same is done in excess of their constitutional and statutory powers. The actions of the 3rd, 4th, and 5th, Respondents violate or pose a serious threat that violates and/or is likely to violate the Applicant's fundamental rights to dignity, personal liberty, and freedom of movement as enshrined in Sections 34, 35, and 41 of the Constitution of the Federal Republic of Nigeria, 1999 (as Amended), and Articles 3, 5, 6, and 12(1) of the African Charter on Human and People's Rights (Ratification and Enforcement) Act, Cap A9, LFN2004.

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- f. *The Applicant who is advanced in age and is currently suffering a trauma as a result of the ordeal from the actions of the 3rd, 4th, and 5th Respondents, is being unreasonably compelled, and coerced to do the bidding of the 1st and 2nd Respondents or risk attending baseless invitations by the 3rd, 4th, and 5th Respondents, fraught with intimidation, harassment and coercion for a matter that is purely civil in nature. This has mounted untold hardship and an infringement on the fundamental rights of the Applicant.*
- g. *The 3rd, 4th, and 5th Respondents have no legal basis to interfere in what is purely a civil and commercial dispute pending before a competent court of law, nor to subject the Applicant to intimidation, threats, detentions.*
- h. *Unless restrained, the 3rd, 4th, and 5th Respondents will continue to act in excess of their lawful authority and infringe on the Applicant fundamental rights through acts of harassment, intimidation, coercion, detention, and therefore causing irreparable harm to the Applicant, and infringing on his guaranteed fundamental rights, his health and mental well being.*
- i. *This Honourable Court has the jurisdiction and duty to protect the Applicant from unlawful state of interference and ensure that his fundamental rights to human dignity, personal liberty, and freedom of movement are upheld as guaranteed under Sections 34, 35, and 41 of the Constitution of the Federal Republic of Nigeria, 1999 (as Amended), and Articles 3, 5, 6 and 12(1) of the African Charter on Human and People's Rights (Ratification and Enforcement) Act, Cap A9, Laws of the Federation of Nigeria, 2004.*
- j. *This Honourable Court has the inherent jurisdiction to grant the reliefs sought by the Applicant.*

In aid of this application, learned Senior counsel relied on a fifty paragraphed affidavit deposed by one Farouk Sanusi Nababa, the biological son of the Applicant in this suit. Annexed thereto are Sixteen Exhibits, marked Exhibits **A** to **N** to wit:-

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Exhibit **A** - an Ethiopian Airlines flight ticket receipt issued to the Applicant for his trip from Kano to Jeddah, Saudi Arabia dated 27th March 2025 - 9th April, 2025; Exhibit **B** - a Memorandum of Understanding dated 7th August, 2019 between Cozmo Park Consortium limited and KYC Inter Project Limited for the purchase of 16 plots of land for the valuable consideration of ₦1,000,000,000 (1 billion naira) only; Exhibit **C** - a Letter of termination of the memorandum of understanding dated September 30th, 2021 issued by Cozmo Park Consortium Limited to KYC Inter Project Limited; Exhibit **D** - an Order of interlocutory injunction which referred the parties to Abuja multi-door courthouse for determination of the dispute between the parties in accordance to the parties MOU dated 7th August, 2019, with Suit No: FCT/HC/CV/2528/21 and motion no: M/7776/2026 delivered on the 23rd January, 2023 before your Lordship Hon. Justice Bello Kawum; Exhibit **E** - the Claimant's Points of claim before an Arbitral Tribunal at the Abuja multi-door courthouse, dated 18th August, 2023; Exhibit **F** - a Writ of summon filed by the Applicant with suit no: FHC/HC/CV/806/2022, between Ma'aruf Sadiq Abdullahi & 3 Ors v KYC Inter Projects Ltd and Anor dated 11th March, 2022; Exhibit **G1** & **G2** - a Court Order with Suit No: FCT/HC/CV/806/2022 dated 31st March, 2022 and 15th July 2022, before his Lordship Hon. Justice Elejo Enenche who issued both an Exparte and Interlocutory Injunction restraining the 1st, and 2nd Respondents and Nigerian Police Force from dealing with the plots of land pending the determination of the substantive suit; Exhibit **H1** & **H2** - a letter dated 24th April, 2024, from KYC Inter project limited through its solicitors (J.O Okoko & CO) to Cozmo Park Consortium limited, proposing the conditional payment of four hundred & Ninety million naira (₦490,000,000) as full and final settlement of the dispute between the 1st Respondent and the Applicant, and a response dated 23rd May 2024 from Cozmo Park Consortium limited, objecting to the proposed amount; Exhibit **I** - a letter dated 20th August 2024 from the 1st Respondent through its solicitors (J.O. Okoko & Co) who made a conditional acceptance to the payment of ₦560,000,000 (Five Hundred and Sixty Million Naira) among other conditions, requested by Cozmo Park Consortium Limited; Exhibit **J** - A letter of termination of settlement dated 8th

October, 2024 from Cosmo Park Consortium Limited through its Solicitors (Taiwo Abe & Co) to the 1st Respondent (KYC Inter Project Limited); Exhibit K - a letter dated 24th March 2025 from the 1st Respondent notifying the Applicant that it has made a full and final payment of the sum of ₦560,000,000 (five Hundred and sixty million Naira) only pertaining the plots, issued in bank draft and sent to the Nigerian police force; Exhibit L - a letter dated 25th March, 2025 from Cosmo Park Consortium limited, drawing attention of the 1st Respondent to the letter of termination of settlement dated 8th March 2025; Exhibit M - a letter of invitation dated 17th March, 2025 from the Nigerian Police Force, IGP monitoring unit, inviting the Applicant to appear on the 19th March, 2025 by 10am concerning an alleged conduct capable of breaching security, violation of Court order and threat to life and Exhibit N - a Medical Report of one Sanusi Nababa Badamasi from Kano State Hospital Management Board, dated 2nd April, 2025.

Consequently, Learned Senior Counsel for the Applicant raised three issues for determination, to wit:-

1. *Whether the actions of the 3rd, 4th, and 5th Respondents, at the behest of the 1st and 2nd Respondents constitute a violation or are likely violation of the Applicant's fundamental rights to dignity of the human person, personal liberty, and freedom of movement as guaranteed under Sections 34, 35, and 41 of the 1999 Constitution (as Amended) and the relevant provisions of the African Charter on Human and Peoples' Rights?*
2. *Whether the 3rd, 4th, and 5th Respondents have the statutory and constitutional authority to intervene in a purely civil dispute bordering on civil contract between two corporate bodies?*
3. *Whether the Applicant is entitled to the reliefs sought in this application?*

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He drew the Court's attention to the **1999 Constitution Federal Republic of Nigeria, (as Amended)** as well as the cases of **Inspector General of Police v. All Nigerian Peoples Party & Ors (2007) 18 NWLR (Pt. 1066) 457 @ 496, Paras D-E; F.R.N. v. Ifegwu (2003) 15 NWLR (Pt.842)113; A.G. Abia State v. A.G., Federation (2002) 6 NWLR (Pt.763) 264; and Abacha v. Fawehinmi (2000) 6 NWLR (Pt.660) 228 P.496, Paras. C-E** in aid of his submission that all governmental actions in Nigeria ought to align with the Constitutional rights, liberties, powers, and obligations of both the governed and those who govern.

He also referred to the provisions of **Section 46 (1) of the 1999 Constitution Federal Republic of Nigeria, (As Amended)** and **Order 2 Rule 1 of the Fundamental Rights (Enforcement Procedure) Rules, 2009 (FREP Rules).**

He answered issue one in the affirmative with reference to **Section 35 of the 1999 Constitution Federal Republic of Nigeria 1999 (as amended); Article 6 of the African Charter on Human and People's Rights (Ratification and Enforcement) Act, Chapter A9 Laws of the Federation of Nigeria 2004** and the case of **Onyirioha v. I.G.P. (2009) 3 NWLR (Pt. 1128)**, wherein the Applicant's rights to personal liberty are enshrined.

Also, **Section 41 (1) of the Constitution Federal Republic of Nigeria 1999 (As Amended); MITIN v. C.O.P., Bayelsa State (2023)12 NWLR (PT.1898) 259, (P.286, Paras. D-E); and Okafor v. Lagos State Gov. (2017) 4 NWLR (PT. 1556) 404, (Pp. 435-436, Paras. G-A) Pages 439-440 Paras.28.**

He argued that there is no legal justification for the 3rd to 5th Respondents' continuous harassment, intimidation, humiliation, arrest and detention of the Applicant; that their actions have inflicted psychological trauma on the Applicant; that the Applicant's continuous compulsion to appear at the 3rd to 5th Respondents' office without access to medical care amounts to harassment and intimidation of the Applicant under the guise of investigation. On

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issues two, he argued that the 3rd to 5th Respondents lack the statutory and constitutional authority to intervene in a civil contract entered by the Applicant with 1st and 2nd Respondents; that their aim was to divest the Applicant of his property; that the dispute between the Applicant and 1st and 2nd Respondents pertains to a matter not only pending before a Court of law but also before an Arbitral Tribunal, as such that this case is an abuse of legal process and contempt of Court. He relied on the case of **Duwin Pharm. Chem. v Beneks Pharm. (2000) 15 NWLR (Pt.689) 66.**

He argued that the alleged intimidation and humiliation of the Applicant to coerce him to comply with their demands is unconstitutional and a violation of the Applicant's right. He referred to the case of **Anubalu v. State (2019) LPELR-48088(CA)** as well as the provision of **Section 8(2) of the Administration of Criminal Justice Act 2015** which mandates that a suspect shall not be arrested merely for a civil wrong or breach of contract.

He answered issues three in the affirmative that the Applicant is entitled to the reliefs. He urged the Court to grant his prayers.

In opposition to this suit, Learned Senior Counsel on behalf of the Respondents relied on a Twenty- Seven paragraphed Counter Affidavit, dated and filed 8th May, 2025 deposed by one Michael Ayuba Auta, the 2nd Respondent in this suit. Also attached herein are Exhibits **DM1** to **DM11** to wit:-

Exhibit **DM1** - an Application for Certified True Copy of the investigation report in respect of the Cozmo Park Consortium Limited/KYC Inter Project Limited matter by Fairstone Associates on behalf of KYC Inter Project Limited, dated 6th November, 2023, the response from the police dated 15th November, as well as the Police Investigation report dated 2nd August, 2022 which found that one Hafsat Umar Yusuf Karaye owned plot 1784 and not the Applicant; Exhibit **DM2** - a letter dated 15th August, 2022 from Cozmo Park Consortium limited through it solicitors (O. J. Onoja, SAN & Associates) to KYC Inter project limited , informing them of their

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removal of plots 1784 from being part of the plots belonging to Cozmo Park Consortium limited; Exhibit **DM3** - Copies of the statement dated 14th March, 2025 made to the police by Jidda Guza (Applicant's Counsel); Exhibit **DM4** - the Applicant's statement to the police; Exhibit **DM5** - a letter from Corporate Affairs Commission dated 14th April, 2025 to the Nigerian Police Force, regarding investigation activities on Cozmo Park limited and Asnab Nigeria limited, accompanied by the status report of Asnab Nigeria limited, certificate of Incorporation of Cozmo Park Limited dated 5th April 2013, memorandum and Article of association of Cozmo Park Limited, Statement of shares capital, return of Allotment and Particulars of the first Directors of Cozmo Park Limited; Exhibit **DM6** - an offer for sale of plots 644 and 1561, C2A09 located at Guzape, dated 7th August, 2019 from Cozmo Park Limited to KYC Inter project limited; Exhibit **DM7** - Memorandum of understanding between Cozmo Park Limited and KYC Inter project limited; Exhibit **DM8** - statements dated 18th March 2025 by Abubakar Shariff Usman, Idris Abdu Garko and Ibrahim Abdullahi, all Applicant's Agents; Exhibit **DM9** - Lease agreement between Federal Capital Territory Administration and Cozmo Park Limited evidencing the joint venture agreement; Exhibit **DM10** - a letter dated 2nd October, 2020 from Federal Capital Development Authority which stopped work at the site and Exhibit **DM11** - a bond by the Applicant to produce Exhibits to the Police/Court dated 9th August 2022.

Accordingly, Learned Senior Counsel for Respondents raised two issues for determination thus:-

1. *Whether the Applicant's Affidavit is without probative value and weightless for amounting to hearsay evidence upon which the Honourable Court cannot act upon.*
2. *Whether the Applicant's case is devoid of merit for failure to establish the infringement of his fundamental right.*

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On issue one, he argued that the deponent of the Applicant's Affidavit had no personal knowledge of any fact deposed to in the Affidavit, since the Affidavit failed to comply with the provisions of the **Evidence Act**; that in **Paragraph 5** of the Applicant's Affidavit, the deponent merely stated he was informed by the Applicant on 27th March, 2025 in Kano in their family house of his encounter with the 1st to 5th Respondents in Abuja between the 16th, 17th and 26th of March, 2025, without separately setting out the information he received from the Applicant within those circumstances; that the omission thereof amounts to the lumping of facts; that the deponent also stated facts outside the time frame and failed to mention his sources. He cited the cases of **Terver Kakih v. PDP & 3 Ors (2014) 15 NWLR (PT 1430) 374 @ 418-419 PARA H-B**; **Gundiri & 1 Ors v. Rear Admiral M.H. Nyako & Ors (2014) 4 NWLR (PT 1391) 211 @ 260 PARA C-F**; **FGN v. AIC LTD (2006) 4 NWLR (Pt 970) 337 @ 357 paras F-H**; **Flour Mills of Nigerian Ltd v. R.I. Osian (1968) 2 ALL NLR 13 @ 15-16**; **J.L Young Manufacturing Co. Ltd (1900) 2 CH. 753 @ 754** and **Atkin v. G. W. Rly (1886) 2 TLR 400**. He further argued that the deponent was not personally involved in any of the events, and urged the Court to resolve the issue in the Respondents' favour.

On issue two, Learned Senior Counsel insists that the Applicant has failed to establish the violation of his Fundamental right via his affidavit and Exhibits. He drew Court's attention to Exhibit M of the Applicant's Affidavit in support of his argument that the content is at variance with his deposition particularly in paragraphs **25, 26, 27, 28 & 29** because the said Exhibit M do not relate to the collection of money, as deposed by the Applicant, rather that the Applicant was invited by the 3rd to 5th Respondents concerning a contractual transaction. He cited the case of **A-G, Enugu state v. AVOP PLC (1995) 6 NWLR PT 399(P.125 PARAS B-C)**; **Duruaku v. Nwoke (2015) 15 NWLR (Pt 1483) P.417** and **Ekekeugbo v. Fiberisima (1994) 3 NWLR (Pt 1298) p.55**.

He contends the burden falls on the Applicant to prove his allegations of breach of his fundamental rights by his evidence placed before this

Court. He relied on the cases of **Duruaku v. Nwoke (2015) 15 NWLR (Pt. 1483) P.417**; **Fajemirokun C. B (CL)(Nig) Ltd (2002) 10 NWLR (Pt.774) 95**; **Ezeadukwa v.Maduk (1997) 8 NWLR (Pt.518). P.635** and **Onagoruwa v. IGP (1991) 5 NWLR(Pt.193) 593**.

Flowing from his argument, he submits that the 3rd to 5th Respondents merely discharged their statutory duties by inviting the Applicant concerning an allegation of crime, that the suit of the Applicant is an attempt to shield himself from investigation. He referred to Section 4 of the Police Act, 2020 and the case of **A-G Anambra State v. Chief Chris Uba (2005) 15 NWLR (Pt.947) P.44 @ 67 Paragraph F**.

In all, he urged the Court to dismiss the suit with substantial cost.

On the other divide, Learned Senior Counsel on behalf of Applicant relied on a twenty-five paragraphed further and better Affidavit filed 3rd October, 2025, deposed by one Farouk Sanusi Nababa, the son of Applicant. He also annexed Exhibit **RP1** and **RP2**, which are a certified true copy of the interim Police investigation Report on criminal intimidation, conspiracy and forgery dated 2nd August, 2022 and an Audio recording of the Counsel allegedly being assaulted by the 4th Respondent respectively. Also attached is an Affidavit of Compliance.

He argued to the contrary that the Applicant's Affidavit complied fully with the provisions of the **Fundamental Rights Enforcement Rules 2009** as well as **Section 115 of the Evidence Act, 2011**. He referred to Paragraph 5 and 49 of the Applicant's Affidavit. He relied on **Order II Rule 4 of the Fundamental Rights Enforcement Rules, 2009** in aid of his argument that the deponent depositions cannot be viewed as irrelevant solely on grounds that the deponent was not personally involved in any of the events. He cited the case of **Obasi Bros. (Nig.) Ltd v. Willbros (Nig) Ltd (1991) 2 NWLR (Pt.181) 606**.

He further denied any contradictions in the Applicants' deposition in paragraph 25 to 29 of his Affidavit and Exhibit M. He urged the Court

to consider the gamut of events that took place between the Applicant and 3rd to 5th Respondents. He then went on to elaborate on his argument earlier furnished in aid of the grant of this application.

In conclusion, he urged the Court to grant the Applicant's prayers in the interest of Justice.

RESOLUTION

I carefully examined the processes placed before this Honorable Court for and against the grant of this application. Suffice to say, the Court of Appeal in the case of **Sunday & Ors v Dibia (2021) LPELR-54573 (CA)** held that:-

"...fundamental rights actions are sui generis, they are all on their own and proof of same is by preponderance of affidavit evidence and no more."

I do find it necessary at this preliminary stage of my judgment to resolve the thorny issue as regards whether the facts averred by the deponent amounts to hearsay evidence and or contravenes **Section 115 of the Evidence Act 2011 (as amended)**.

Firstly, the averments in the Applicant's affidavit were rightly deposed to by the deponent in accordance with **Order II Rule 4 of the Fundamental Rights (Enforcement Procedure) Rules 2009**. **Order II Rule 4 of the Fundamental Rights (Enforcement Procedure) Rules 2009** stipulates as follows:-

"The affidavit shall be made by the Applicant, but where the applicant is in custody or if for any reason is unable to swear to an affidavit, the affidavit shall be made by a person who has personal knowledge of the facts or by a person who has been informed of the facts by the Applicant, stating that the Applicant is unable to depose personally to the affidavit.
(Underlined by me for emphasis).

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Also notable is the Applicant's affidavit, wherein the deponent averred in paragraphs 3, 4 and 5 thereof, and Exhibit A which is an Ethiopian Airlines flight ticket receipt issued to the Applicant for his trip from Kano to Jeddah, Saudi Arabia dated 27th March 2025 - 9th April, 2025, to enable the Applicant transfer for his medical checkup. It reads as follows:-

"3. That I have the consent of the Applicant to depose to this affidavit as the Applicant had to travel out of the country on 27th March 2025 to attend to his fragile health challenges in Saudi Arabia.

4. The facts to which I depose herein are either within my personal knowledge or as related to me by the Applicant in this suit and as derived from relevant documents and sources to which I make reference to in the body of this Affidavit.

5. The Applicant, before he finally travelled to Saudi Arabia on the 27th day of March 2025 informed me in Kano at our family house situate at No. 314 Kaigama Road, Kano, State at about 9am in the morning of all his encounter with the 1st to 5th Respondents at the office of the 5th Respondent in Abuja between the 16th, 17th of March and the 26th of March 2025 and I verily believe him as I further state hereunder. A copy of the Applicant's itinerary is hereby attached and marked as Exhibit A".

Therefore, it is clearly evidence that the Applicant was not available to depose to the affidavit.

Secondly, **Section 115 (1) and (4) of the Evidence Act 2011 (as amended)** reads that:-

(1) Every affidavit used in the court shall contain only a statement of fact and circumstances to which the witness deposes, either of his own personal knowledge or from information which he believes to be true.

(2).....

(3)....

(4) *When such belief is derived from information received from another person, the name of his informant shall be stated, and reasonable particulars shall be given respecting the informant, and the time, place and circumstance of the information."*

Again, I do find that after a careful study of the Applicant's affidavit in support of this application, particularly paragraphs 1, 2, 3, 4, 5 thereof, that complies with **Section 115 (1) (3) and (4)** of the **Evidence Act 2011 (as amended)**, as such is competent. I shall reproduce Paragraphs 1, 2, 3, 4, and 5 of the Applicant's affidavit in support of this application hereunder:-

1. *I am the biological son of the Applicant in this Suit, who is the Managing Director, and alter ego of Cozmo Park Consortium Limited, a private limited liability company, incorporated under the laws of the federal republic of Nigeria.*
2. *That by virtue of my position aforesaid, I am conversant with the facts to which I depose to.*
3. *That I have the consent of the Applicant to depose to this affidavit as the Applicant had to travel out of the country on 27th March 2025 to attend to his fragile health challenges in Saudi Arabia.*
4. *The facts to which I depose herein are either within my personal knowledge or as related to me by the Applicant in this suit and as derived from relevant documents and sources to which I make reference to in the body of this Affidavit.*

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5. The Applicant, before he finally travelled to Saudi Arabia on the 27th day of March 2025 informed me in Kano at our family house situate at No. 314 Kaigama Road, Kano, State at about 9am in the morning of all his encounter with the 1st to 5th Respondents at the office of the 5th Respondent in Abuja between the 16th, 17th of March and the 26th of March 2025 and I verily belief him as I further state hereunder. A copy of the Applicant's itinerary is hereby attached and marked as Exhibit A.

The above averments are in my firm in tandem with the above provisions of the **Evidence Act 2011 (as amended)**; accordingly, I discountenance the argument of Learned Senior Counsel that the deponent's depositions are hearsay evidence.

Furthermore, in respect of the issue of contradiction raised to the Exhibit **M** attached to the Applicant's application. I do concede to the learned Senior counsel for Applicant that the said Exhibit **M** attached to the Applicant's application cannot be dislodged from the rest of the evidence submitted by the Applicant in this matter. I dare hold that this Exhibit **M** is connected to the alleged breach of Applicant's fundamental rights and therefore linked evidentially to the other Exhibits in the case of the Applicant. I dismiss the argument of Learned Senior Counsel for the Respondents in this regard.

In answer to the issue raised by both parties, it suffices to point out that the Exhibit **B** and **C** attached to the Applicant's suit to wit: the memorandum of understanding dated 7th August, 2019 between Cozmo Park Consortium limited and KYC Inter Project Limited for the purchase of 16 plots of land for the valuable consideration of ₦1,000,000,000 (1 Billion Naira) only as well as Letter of termination of the memorandum of understanding dated September 30th, 2021 issued by Cozmo Park Consortium limited to KYC Inter Project Limited clearly exposes a business transaction gone wrong; while the Exhibits **D** to **L** attached to the Applicant's application reveals that this *res in issue* is subject of litigation at the FCT High Court in Suit

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Nos:- FHC/HC/CV/806/2022, between Ma'aruf Sadiq Abdullahi & 3 Ors v KYC Inter Projects Ltd and Anor and FCT/HC/CV/806/2022 dated 31st March, 2022 wherein Interlocutory Orders have been granted in favour of the Applicant pending the final determination of the aforementioned suit; in consequence I hold that the further steps taken by the 1st and 2nd Respondents to report this matter to the 3rd to 5th Respondents amounts to malicious instigation on their part, and the invitation send out to the Applicant by way of Exhibit M collides with the Applicant fundamental right to dignity of his person, his personal liberty and his freedom of movement as guaranteed under Sections 34, 35(1), 41(1) of the Constitution Federal Republic of Nigeria, 1999 (as Amended).

No doubt, it is germane to reiterate that the Court held in the case of **Diamond Bank v Opara (2018) 7 NWLR (PT. 1617) 91** thus:-

"By virtue of Order 2 rule 1 of the Fundamental Rights (Enforcement Procedure) Rules, 2009, any person who alleges that any of the fundamental rights provided in the Constitution of the Federal Republic of Nigeria, 1999 or the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act and to which he is entitled, has been, is being, or is likely to be infringed, may apply to the court in the State where the infringement occurs or likely to occur, for redress. (Pp. 115, paras. D-F: 120, paras. C-E).

I hold that there is no reason for the 3rd to 5th Respondents to interfere in this matter which clearly is a civil dispute and is also not within the confines of Court's jurisdictional domain. In the case of **Anubalu v State (2019) LPELR-48088(CA)** the Court of Appeal held that:

"...The interference of the Police in purely civil matters is an abuse of the statutory powers of the Nigerian Police. ...the Police is not a robot incapable of methodically sieving through the Petitions to determine if there is a criminal element or not in each of the Petitions before acting on same. It does not augur well for the society if the Police upon the instigation of

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*a complainant acts outside its statutory defined functions by interfering in simple civil transactions between citizens... See **Section 8(2) of the Administration of Criminal Justice Act 2015**, wherein it is provided thus: "A suspect shall not be arrested merely for a civil wrong or breach of contract..."*

Conclusively, I find in favour of all the issues raised by the Applicant against the Respondents. I enter judgment in favour of the Applicant. I hereby Declare as follows:-

1. **THAT** the invitation and threats of arrest by the 3rd, 4th and 5th Respondents at the behests of the 1st and 2nd Respondents, over a purely civil matter between the Applicant and the 1st Respondent which is subject of court proceedings and also pending before an arbitral tribunal, amounts to intimidation, and harassment which constitutes a violation of the Applicant's fundamental rights to dignity of human person, personal liberty, freedom of movement as guaranteed under **Sections 34, 35(1), 41(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as Amended)**, and **Articles 3, 5, 6, and 12 (1) of the African Charter on Human and People's Rights (Ratification and Enforcement) Act, CAP A9, LFN 2004**.
2. **THAT** the actions of the 3rd, 4th and 5th Respondents in making it compulsory for the Applicant with a fragile health, to constantly attend the interrogations at the IGP Monitoring Unit of the Nigeria Police Force Headquarters in respect of a purely civil dispute which is subject of court proceedings and also pending before an arbitral tribunal, amounts to an infringement of his fundamental rights to dignity of human person, personal liberty and freedom of movement as guaranteed under **Sections 34, 35(1), 41(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as Amended)**.
3. **THAT** the actions of the 3rd, 4th and 5th Respondents in extra-judicially detaining the Applicant with a fragile health on the 26th day of March, 2025, because he refused to yield to the 3rd, 4th and 5th Respondents' intimidation, and harassment to do the bidding of

For Clerk

the 1st and 2nd Respondents in respect of the purely civil dispute which is subject of court proceedings and also pending before an arbitral tribunal, amounts to an infringement of his fundamental rights to dignity of human person, personal liberty and freedom of movement as guaranteed under Sections 34, 35(1), 41(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as Amended).

4. **AN** Order of Perpetual Injunction is forthwith granted restraining the Respondents, their agents, privies, and/or assigns, however described, from further acts that will constitute intimidation, harassment, threat, or arrest and/or detention of the Applicant in connection with the subject matter of this Suit, and from acting at the instigation of the 1st and 2nd Respondent to violate or perpetrate any further violation of the Applicant's fundamental rights in any manner.
5. **THAT** the 1st and 2nd Respondents **SHALL** jointly and severally pay the Applicant the sum of ₦10,000,000.00 (Ten Million Naira only, as exemplary damages for instigating and procuring the violation of the Applicant's fundamental rights.
6. **THAT** the 3rd, 4th, and 5th Respondents **SHALL** jointly and severally pay the Applicant the sum of ₦5, 000,000.00 (Five Million Naira) only, for acts of intimidation, violating the personal liberty, and freedom of movement of the Applicant.

I so Order.



Hon. Justice J. O. Abdulmalik
Judge
11th March, 2026

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Appearances:

Hajara M. S. Sorondinki, Esq, with Ayomide Tope-Fatuase, Esq., for the Applicant.

Nkiruka Akunwanne, Esq. with I. C. Ndukwu, Esq., for the Respondents

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