

**IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE WARRI JUDICIAL DIVISION
HOLDEN AT WARRI**

SUIT NO: FHC/WR/CS/_103/2025

BETWEEN

JOHN AIKPOKPO-MARTINS
(For himself and on behalf of
tinted cars owners in Nigeria)



PLAINTIFF/APPLICANT

AND

- 1. THE INSPECTOR GENERAL OF POLICE**
- 2. THE NIGERIA POLICE FORCE**

DEFENDANTS/RESPONDENTS

**IN THE APPLICATION FOR COMMITTAL
TO PRISON FOR CONTEMPT OF:**

- 1. Mr. Kayode Egbetokun.....Contemnor/Respondent**
- 2. CSP Benjamin Hundeyin---Contemnor/Respondent**
- 3. AIG Emmanuel Aina....Contemnor/Respondent**

MOTION ON NOTICE

**BROUGHT PURSUANT TO SECTION 6(6)(B) OF THE CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA 1999 AND THE INHERENT JURISDICTION OF THIS
HONOURABLE COURT.**

TAKE NOTICE that the High Court will be moved on the ____day of ____2025 at the hour of 9 o'clock in the forenoon or so soon thereafter as Counsel can be heard on behalf of the Applicant praying the Honourable Court for the following orders:

- 1. An ORDER committing (1) Mr. Kayode Egbetoku (the Inspector General of Police. (2) CSP Benjamin Hundeyin (the Public Relation officer of the 1st Defendant) and (3) AIG Aina (the Director of legal services of the 1st Defendant) to prison for disobeying the orders of this Honourable Court made on the 3rd day of October, 2025 directing the 1st Defendant to maintain the status quo pending the hearing of the application for interlocutory injunction; until the Contemnors purge themselves of contempt/disobedience to the inviolable orders of the Honourable Court.**
- 2. An ORDER committing 1(1) Mr. Kayode Egbetoku (the Inspector General of Police. (2) CSP Benjamin Hundeyin (the Public Relation officer of the 1st Defendant) and (3) AIG Aina to prison/correctional centre at Okere-Warri or**

any other lawful place of detention, for interfering with the subject matter of the pending suit until they purge themselves of contempt of this Honourable Court.

3. An ORDER setting aside the Directive/Press Release made by the 1st and 2nd Contemnors on or about the 15th day of December, 2025 directing all the officers under the 1st Contemnor to begin nation-wide enforcement of the tinted glass permit exercise on the 2nd day of January, 2025, the subject matter of this suit, which is in total disrespect to the legal principle of *lis pendis* and disregard to this Honourable Court.

AND FOR SUCH FURTHER AND OTHER ORDERS as this Honourable Court may deem fit to make in the circumstances of this Application.

Dated this 19th day of December, 2025

Kunle Edun (SAN) & Partners

OLUKUNLE OGHENEVO EDUN, SAN

Roli Owhojeta Esq.

Alfred Ogunli Esq.

Faith Anigboro Esq. ✓

Eloho Avwaruroro-Okoye Esq. (signed)

Claimants' Counsel

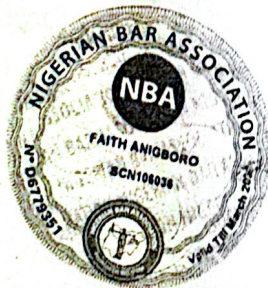
Iwuru Close, off Amadasun Crescent,

off Enekeyhare Street, Rtd. Justice Obi Street

(Opp. NNPC Junior Staff Club,

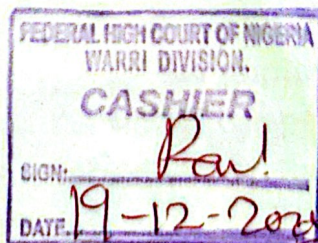
Bendel Estate, Warri. (08038695936)

Kunleedun@nigerianbar.ng



For Service On the 1st, 2nd & 3rd Contemnors

The Inspector General of Police
Police Force Headquarters,
Louis Edet House,
Abuja, FCT.



3513-9727-2543

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AFFIDAVIT IN SUPPORT OF THE APPLICATION FOR COMMITTAL

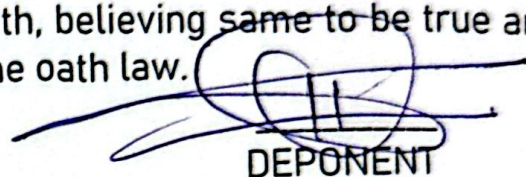
I, John Aikpokpo – Martins, adult, male, Christian, Nigerian Citizen of No. 106, Airport Road, Warri, Delta State do hereby make oath and state as follows:

1. That I am the Plaintiff in this action by virtue of which I am very conversant with the facts of this suit. That I bring this action for myself and on behalf of all the owners of tinted glass cars in Nigeria except those who may be opposed to this suit and in the interest of the public. I am an owner of tinted glass (factory fitted) cars and directly affected by the actions of the 2nd defendant (Nigeria Police Force) under the Command of the 1st defendant.
2. That unless otherwise stated, all the facts herein deposed to by me are within my personal knowledge, information and belief.
3. That I instituted this action on the 2nd day of October, m2025 and also filed applications for interim injunction and interlocutory injunction at the same time.
4. That on the 3rd day of October, 2025 , this Honourable court made an order to preserve the subject matter of this suit, particularly enforcement of the tinted car permit pending the determination of the motion for interlocutory injunction.

5. That thereafter, all processes were served on the defendants. However, the defendants instead of respecting the sanctity of the Court and focusing on the applications before the Court, they have been actively engaged in aggressive effort to transfer this suit to the Abuja Division of this Court, for no sensible reason at all.
6. That sometime in October, 2025, there was a meeting of the 1st defendant and his management team and the Nigerian Bar Association led by the NBA President, Mazi Afam Osigwe, SAN with my humble self in attendance and one Chief Ayo Ogunleye, SAN, who acted as their Counsel at the meeting.
7. That after a mutual review of the facts and the law and in the light of the order of this Honourable Court made on the 3rd day of October, 2025, the 1st contemnor, in the presence of the 2nd and 3rd contemnors conceded to halt the operation of the policy in deference to the said order of court. The 1st defendant through the 2nd contemnor caused a public statement to be issued to that effect halting the operation of the policy.
8. That suddenly, the 1st defendant through the office of the 2nd contemnor caused a press statement to be published on his aforementioned twitter handle of the directive of the 1st defendant, that the police will start enforcing the tinted permit policy, the subject matter of this suit. A copy of the said statement is hereby attached and marked as exhibit Police 2.
9. That in spite of the public outcry, including a press statement of the Nigerian Bar Association, the defendants and the contemnor are insistent on implementing the tinted glass policy, which is the subject matter of this suit. Attached herewith and marked as exhibit KE-1 is the NBA press release rejecting the commencement of the policy.
10. That the actions of the contemnors, particularly of the 2nd contemnor by making the publication of the said press release/statement is wicked, gross vindictive, vexatious and contemptuous of this court. The actions of the defendant working through the office of the 2nd and 3rd contemnors are meant to

overawe the court, stultify and destroy the res and/or render nugatory the subject matter of this suit and therefore liable to be set aside ab initio.

11. That I bring this application in good faith and in a bid to protect the integrity and majesty of the court and the cause of action and issues for adjudication in this matter.
12. The action of the defendants and contemnors is a brazen display of arrogance, a gross disrespect for the rule of law and this Honourable court.
13. That I make this oath in good faith, believing same to be true and correct and in accordance with the oath law.


DEPONENT

Sworn to at the Federal High Court Registry, Warri,
this 1st day of December, 2025.



3513-9727-2543

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**Nigeria Police Force** @P... · 3d**NIGERIA POLICE FORCE ANNOUNCES
RESUMPTION OF ENFORCEMENT OF
TINTED GLASS PERMIT**

The Nigeria Police Force wishes to inform the general public of the planned resumption of the enforcement of Tinted Glass Permit policy pending the final determination of the matter currently before the court. This decision follows a careful review of emerging security concerns and the need to ensure the safety of all citizens.

It is important to clarify that at no point did the court restrain the Nigeria Police Force from enforcing the provisions of the law regarding the use of tinted glass on vehicles. Nonetheless, in the spirit of responsibility, transparency, and public convenience, the Force suspended enforcement to allow motorists ample opportunity to regularise their documentation and complete the registration process without pressure.

Recent trends, however, reveal a disturbing rise in criminal activities perpetrated with the aid of vehicles fitted





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Recent trends, however, reveal a disturbing rise in criminal activities perpetrated with the aid of vehicles fitted with unauthorised tinted glass. Some individuals and organised criminal groups have exploited this gap to conceal their identities and facilitate crimes ranging from armed robbery to kidnapping and other violent crimes. In view of this, the Nigeria Police Force has found it both necessary and urgent to resume full enforcement as a proactive measure to safeguard our communities.

Consequently, enforcement of Tinted Glass Permit will resume on 2nd January, 2026.

The Inspector-General of Police, IGP Kayode Adeolu Egbetokun, PhD, NPM, assures the public that the renewed enforcement will be carried out with utmost professionalism, respect for the rights of citizens, and in accordance with extant laws. He adds that the Force remains committed to promoting public safety and upholding the rule of law while working collaboratively with all stakeholders to keep Nigeria secure.

Meanwhile, motorists who require Tinted Glass Permit are encouraged to





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Meanwhile, motorists who require the Tinted Glass Permit are encouraged to apply through the approved channels and ensure that their vehicles comply with legal procedures.

CSP BENJAMIN HUNDEYIN, anipr, mipra,
FORCE PUBLIC RELATIONS OFFICER,
FORCE HEADQUARTERS,
ABUJA.

15th December, 2025



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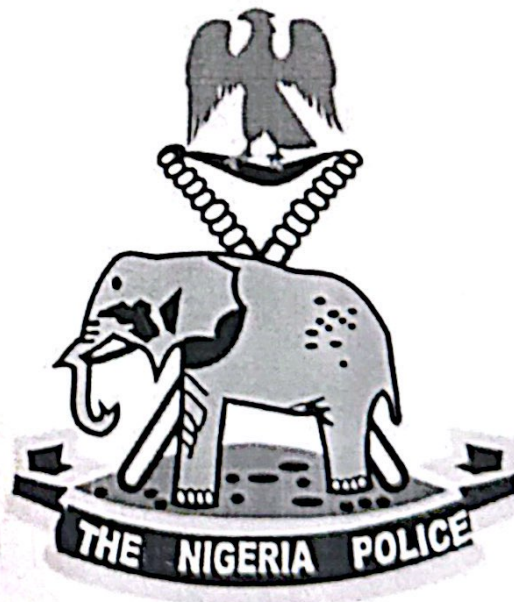
Replies

Media

Meanwhile, motorists who require the Tinted Glass Permit are encouraged to apply through the approved channels and ensure that their vehicles comply with legal procedures.

CSP BENJAMIN HUNDEYIN, anipr, mipra,
FORCE PUBLIC RELATIONS OFFICER,
FORCE HEADQUARTERS,
ABUJA.

15th December, 2025



838

645

723

294K



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WRITTEN ADDRESS IN SUPPORT OF APPLICATION FOR COMMITTAL

1.01. INTRODUCTION.

1.02. On the 3rd day of October, 2025, the Honourable Court granted an order to maintain the status quo, which implies that the defendants shall not take further action on and/or giving effect to the directives to execute the tinted glass permit pending the hearing of the interlocutory application.

1.03. However, on the 15th of December, 2025, the defendants issued a statement purporting to commence the implementation of the tinted glass policy on the 2/1/26 when this matter is still pending. The action of the defendants is highly vindictive, wicked, obnoxious, lacking in bona fide and utterly shameful. It is an affront to the rule of law, to the majesty of the Honourable Court and contemptuous of the court. This affront must not be countenanced by the Honourable Court. The action of the defendant is gross having regard to the legal principle of *lis pendis*.

1.04. ISSUE FOR DETERMINATION

1.05. Whether in the circumstances of this case, this application has merit.

1.06. ARGUMENT.

1.07. It is our submission that this application has merit and should be granted immediately. Section 287(3) of the 1999 constitution provides that "decisions of the Federal High Court or of a High Court and of any other

court established by this constitution or any other law shall be enforced in any part of the Federation by all authorities and persons."

- 1.08. In the instant case, the respondents have by their acts and actions disobeyed the order of this Honourable Court and therefore liable to be committed to prison. Furthermore, the injurious act perpetrated in disobedience of the order of court and the principle of *lis pendis* permits this Honourable Court to mandatorily undo the acts by setting aside THE Press Relesae.
- 1.09. We further submit that it is incumbent on the Honourable Court to protect its authority from being disrespected. See the case of *ADEJUGBE V. ADULOJU* (2022)3 NWLR 1816 PAGE 131 AT PAGES 163-164 PARAGRAPHS E-E, the Supreme Court held this:

"Every court has the inherent duty to protect its authority and its processes from being disregarded and frustrated by any person particularly parties in cases before it. When such an affront and contempt arises, it must be promptly addressed before any further step is taken in the proceedings. If a court allows a party before it or any person to affront its authority and contempt its process with impunity, it loses its capacity of effective and efficient adjudication and cannot deliver justice in the case before it. Whatever it does, without addressing the contempt for its process with impunity, it loses its capacity of effective and efficient adjudication and cannot deliver justice in the case before it. Whatever it does, without addressing the contempt for its process and authority would amount to an inflated pretension and a charade. In this case, when the appellant chose to ridicule and tried to defeat the due process of the law and the court by his letter seeking to depose the 1st application for injunction seeking to stop it, the trial court should have addressed it before doing anything else. By virtue of its inherent duty to protect its authority and process, it can do so suo moto".

- 1.10. We submit that any act of disobedience or disrespect directed at the court which lowers the reputation or integrity of the court, amount to contempt and must be discouraged. The essence of contempt proceedings is to discourage and punish acts of

disrespect to the court and its proceedings. In the case of OKOYE V. ATT. GEN., ANAMBRA STATE (2002) FWLR PART 94 PAGE 198 AT PAGE 205 PARAGRAPHS A-B, the Court of Appeal Enugu Division on the essence of contempt proceedings stated this:

"The invocation of court's inherent powers to discourage or punish acts which amount to ridicule or disrespect to the court or the judge is the essence of contempt proceedings.

- 1.11. In order to show how Courts preserves its dignity and sanctity, contempt of Court must be dealt with before proceeding to hear the substantive matter. In the case of FAME PUBLICATIONS LTD v. ENCOMIUM VENTURES LTD., (2000) FWLR PART 9 PAGE 1440 AT PAGES 1444-1445 PARAGRAPHS G-B, the Court of Appeal Lagos Division held this:

"When contempt of court is committed whether in *facia curiae* or *ex facia curiae*, it must be dealt with by the court before proceeding to the substantive suit, this must be so if the dignity, integrity, respect and the authority of the court are to be restored and protected".

- 1.12. See also the case of ELE MARKETING (NIG.) v. J. L. OYENEYIN & SONS (1995) 7 NWLR PART 407 PAGE 371 AT PAGE 380 PARAGRAPHS B-G, the Court of Appeal, Benin Division held this:

"Once the Court is seised of a matter, no party has a right to take the matter into his own hands. This, after a defendant has been notified of the pendency of a suit seeking an injunction against him, even though a temporary injunction be not granted, that party acts at his peril and is subject to the power of the court to restore the status wholly irrespective of the merits as may be ultimately decided".

- 1.13. The Supreme Court in emphasizing how the Courts protect their dignity and proceedings, placed the hearing of an application for contempt over jurisdiction where both collide for adjudication. In the case of BPS. ENGR. & CONSTR. CO. LTD. v. FERMA (2023) 7 NWLR PART 1884 PAGE 461 AT PAGES 490-491 PARAGRAPHS G-A & D-H, the Court stated this:

"The conventional wisdom, since the decision in John Ebhodaghe v. Mike Okoye (2004) 18 NWLR (Pt 905) 472, is that, a paramountcy ought to generally be given, by the way of

priority of proceedings, to contempt proceedings, where the issues of contempt proceedings, where the issues of contempt and jurisdiction collide for adjudication. The reason for allowing such priority in the case of contempt proceedings, is to demonstrate to the public that the courts, being the creature of the constitution vested with the constitutional duty to decide cases between all manner of litigants, can also protect its dignity and would not allow any party, person, or entity, to brazenly do an act that would diminish its Powers in the administration of justice"

- 1.14. In the case of OKOMU OIL PALM CO. V. TAJUDEEN (2016)3 NWLR PART 1499 PAGE 284 AT PAGES 324-325 PARAGRAPHS G-F, the Court of Appeal, Benin Division held this:

"There is the enduring need to maintain and respect the sanctity of the judicial process by having parties, after a dispute has been turned over to the courts, maintain the status quo and await the decision of the court on the matter. The right to self -help ends once parties have turned their dispute over to the courts for determination. So, it is not permissible for one of the parties to take any step during the pendency of the suit which may have the effect of foisting upon the court a situation of complete helplessness. Both parties are expected to await the result of the litigation and the appropriate order of court before acting any further. Might is no longer right as might is subjected to the law as opposed to the rule of might. In Nigeria, there is no room for the rule of self-help by force to operate. Once a dispute has arisen and the dispute has been brought before the court, thereby invoking the judicial powers of the State, there is the duty to allow the law to take its course or allow legal and judicial process to run it's full course. The sanctity of the judicial process is to be promoted and ensured by the courts and the court has the inherent power to make consequential orders designed to give effect to its decision".

- 1.15. Also, in the case of EZEGBU v. FATB LTD. (1992)1 NWLR PART 220 PAGE 69 AT 725 PARAGRAPHS A-B, The Court of Appeal held that:

"Parties who have submitted to the jurisdiction of the court are under a legal duty not to do anything to frustrate or make nonsense a possible court order, they must, whether they like it or not, wait for court to take decision one way or the other. The procedure at arriving at a decision might be slow. It may even be sluggish. But the parties cannot jump the gun and do their own thing in their own way. That will be tantamount to undermining the integrity of the court. What I am in effect saying is that party who have submitted himself to the jurisdiction of the court is not entitled to self-help. That will be chaos and disability of the social equilibrium of the opposing party reacts. The Supreme Court clearly held in Governor of Lagos State vs Chief Ojokeu (1986)1 NWLR (PT 18) 621 that parties should not embark upon self-help when a matter is before a court of law. Since a successful act of self-help will certainly render a subsequent successful decision nugatory, parties must refrain from it at all times. Therefore once a party is aware of a pending court process, and whether the court has not given a specific injunctive order, parties are bound to maintain the status quo pending the determination of the court process. They should, on no account resort to self-help.

- 1.16. In the instant case, the defendant has shown total disrespect to this Honourable court. This is so appalling and a threat to the rule of law that must not be allowed to stand. See EZGBU v. FATB LTD supra where the court held that:

"Whether such situation arises, the Court must invoke its disciplinary jurisdiction to curb the excesses of a recalcitrant party. That was the essence of the application made to the Court..." (Underlining for emphasis).

- 1.17. In the light of the outright violation to the order of this Honourable Court, this Court is within its right to invoke its disciplinary powers to restore parity between the parties to this suit. We refer this Honourable Court to the case of ODEGBO & ORS v. MOFUNANYA & ORS (2016) LPELR-42107(CA) where the Court of Appeal Per TOM SHAIKU YAKUBU, JCA at Pp 22 - 24 Paras A - D, held thus;

"...I am bold to say that no Court or Tribunal worth its salt would look the other way and with askance do nothing to any party in a pending action before it, who takes any step to foist a fait accompli on the Court. And that is where the essence of a mandatory injunction comes into play. The principle of mandatory injunction, being rooted in antiquity was laid down by KAY, J., in *Daniel v. Ferguson* (1891) 5 CH. 27 at 30, where it was succinctly stated that: "The question to be decided at the trial may be of some nicety; but this is not the time to decide them. After the defendant had received notice on Saturday that an injunction was going to be applied for, he set a large number of men to work, worked all night and through nearly the whole of Sunday, and by Monday evening at which time he received notice of an interim injunction, he had run up his wall to a height of thirty-nine feet. Whether he turns out at the trial to be right or wrong, a building which he has erected under such circumstances ought to be at once pulled down, on the ground that the erection of it was an attempt to anticipate the order of the Court. To vary the order under appeal would hold out an encouragement to other people to hurry on their buildings in the hope that when they were once up, the Court might decline to order them to be pulled down. I think that this wall ought to be pulled down now without regard to what the result of the trial may be." The Supreme Court in *Shinning Star Nig. Ltd & Anor v. ASK STEEL Nig. Ltd* (2011) 1 SCNJ 31 at 57, per his Lordship, Onnoghen, J. S. C., put it more clearly, that: "In exercising its power to grant mandatory injunction, the Court is primarily concerned with the invocation of its disciplinary jurisdiction to prevent its jurisdiction to try the case before it from being frustrated or stultified." In his own contribution, Muntaka - Coomaise, J. S. C. At page 64 of the report, reiterated that: "Where the restorative mandatory injunction is invoked, to deal with the defendant who attempts to steal a match on the plaintiffs case, the Court is not concerned with the merit of the plaintiffs case. The Court is concerned with the invocation of its disciplinary jurisdiction to prevent its jurisdiction, to try the case before it, from being frustrated or stultified." Therefore, the essence of an order of mandatory injunction is that it is a restorative order usually invoked by the Court and targeted at a party who is disrespectful to the rule of law so that what that party has done would be undone, such that the parties to the action, would be restored to the status quo ante

bellum, that is, they should be at the same level playing ground which they were, prior to the institution of the action at the trial Court. Further see: Ezegbu v. F. A. T. B. Ltd (1992) 1 NWLR (pt. 220) 699 at 724 - 725.

118. Arising and based on this authorities therefore, we urge my lord to strike down the letter of the 2nd respondent to the 1st respondent dated the 29/11/2024.

CONCLUSION.

We urge my lord to grant the application.

We are grateful.

Dated this 19th day of December, 2025

Kunle Edun (SAN) & Partners

OLUKUNLE OGHENEVO EDUN, SAN

Roli Owhojeta Esq.

Alfred Ogunli Esq.

Faith Anigboro Esq. ✓

Eloho Avwaruroro-Okoye Esq. (signed)

Claimants' Counsel

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