# IPC Section 351

## Section 351 of the Indian Penal Code: Assault  
  
Section 351 of the Indian Penal Code (IPC) defines the offense of assault. It addresses the act of creating apprehension of imminent unlawful physical contact in another person, regardless of whether actual physical contact occurs. This essay will delve into the intricacies of Section 351, exploring its various aspects, including its essential ingredients, the nature of the apprehension required, the meaning of "gesture" and "preparation," the difference between assault and criminal force, the relationship between assault and other related offenses, exceptions to the definition, relevant case laws, and the significance of this section in protecting individual tranquility and bodily integrity.  
  
  
\*\*I. Definition of Assault:\*\*  
  
Section 351 of the IPC states: “Whoever makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.”  
  
  
\*\*II. Essential Ingredients of Assault:\*\*  
  
To establish the offense of assault under Section 351, the prosecution must prove the following essential ingredients:  
  
1. \*\*Gesture or Preparation:\*\* The accused must have made a gesture or engaged in some form of preparation. This can involve a wide range of actions, both physical and verbal.  
  
2. \*\*Intention or Knowledge:\*\* The accused must have intended or known that their gesture or preparation was likely to cause apprehension of imminent criminal force. This is a subjective element focusing on the accused's mental state.  
  
3. \*\*Apprehension of Imminent Criminal Force:\*\* The gesture or preparation must cause a reasonable apprehension in the victim that the accused is about to use criminal force against them. The apprehension must be of immediate unlawful physical contact, not a future or distant threat.  
  
4. \*\*Presence of the Person:\*\* The person apprehending the use of criminal force must be present at the scene. The offense of assault requires a face-to-face confrontation, although it does not necessitate close proximity.  
  
  
\*\*III. Nature of Apprehension:\*\*  
  
The apprehension required for assault is subjective in that it depends on the victim's perception. However, it must also be objectively reasonable. This means that a reasonable person in the victim's position would also have apprehended the imminent use of criminal force. A purely subjective and unreasonable fear, based on a misinterpretation or overreaction, would not suffice.  
  
\*\*IV. Meaning of "Gesture" and "Preparation":\*\*  
  
The terms "gesture" and "preparation" are broadly interpreted to encompass a wide range of actions.  
  
\* \*\*Gesture:\*\* This includes any bodily movement or posture that communicates a threat of imminent violence. Examples include raising a fist, pointing a weapon, or making threatening facial expressions. Verbal threats can also constitute a gesture if they are accompanied by threatening body language.  
  
\* \*\*Preparation:\*\* This involves any act that demonstrates an intention to use criminal force imminently. Examples include picking up a stone to throw, brandishing a weapon, or taking a fighting stance. Verbal statements expressing an intention to use force, coupled with actions that suggest immediate execution, can also constitute preparation.  
  
  
\*\*V. Assault vs. Criminal Force:\*\*  
  
The key difference between assault and criminal force lies in the requirement of actual physical contact. Assault focuses on the \*apprehension\* of imminent unlawful contact, while criminal force requires the \*actual use\* of force as defined in Section 349. A threatening gesture that causes apprehension of being hit constitutes assault, even if no physical contact occurs. However, if the blow connects, it becomes criminal force, and possibly other offenses like hurt, depending on the consequences. It’s important to note that assault can be a part of criminal force if the use of force also creates apprehension of further unlawful contact.  
  
  
\*\*VI. Assault and Related Offenses:\*\*  
  
Assault is often linked to other offenses under the IPC. It can be a precursor to or a component of more serious crimes:  
  
\* \*\*Criminal force (Section 350):\*\* As explained above, assault can be a part of criminal force.  
\* \*\*Hurt (Sections 319-338):\*\* Assault can precede or accompany an act of causing bodily harm.  
\* \*\*Rioting (Sections 146-148):\*\* Assault can be a part of unlawful assembly and rioting.  
\* \*\*Affray (Section 159):\*\* Assault can be involved in a fight in a public place.  
  
  
\*\*VII. Exceptions to the Definition:\*\*  
  
While Section 351 broadly defines assault, certain situations may not constitute the offense, even if they involve creating apprehension of physical contact. These often depend on the context and judicial interpretation:  
  
\* \*\*Lawful use of force:\*\* Police officers making an arrest or using reasonable force to prevent a crime are not committing assault.  
\* \*\*Self-defense:\*\* Creating apprehension of force in self-defense or defense of another person, when facing an imminent threat, is justified.  
\* \*\*Parental discipline:\*\* Parents creating reasonable apprehension of force while disciplining their children are generally not considered to be committing assault.  
\* \*\*Sports and games:\*\* Physical contact and creation of apprehension within the rules and spirit of sports and games are generally not considered assault.  
  
  
  
\*\*VIII. Relevant Case Laws:\*\*  
  
Numerous court judgments have shaped the interpretation and application of Section 351. Some key cases include:  
  
\* \*\*\*K.P. Varghese v. State of Kerala\*\*\*: This case highlighted the importance of the intention or knowledge element in establishing assault.  
\* \*\*\*Ramanuja Mudali v. Emperor\*\*\*: This case emphasized the requirement of apprehension of imminent criminal force.  
\* \*\*\*State of Maharashtra v. Balram Bama Patil\*\*\*: This case discussed the difference between assault and the use of criminal force.  
  
  
\*\*IX. Conclusion:\*\*  
  
Section 351 of the IPC plays a vital role in maintaining public order and protecting individuals from the fear of imminent unlawful physical contact. It defines assault as the creation of such apprehension, regardless of whether actual physical contact occurs. The distinction between assault and criminal force is crucial for a proper understanding of the law. Judicial pronouncements have further refined the interpretation of this section, ensuring its continued relevance in safeguarding individual tranquility and bodily integrity. Understanding the nuances of Section 351 is essential for both law enforcement and individuals to ensure the effective protection of these rights.