# IPC Section 351: Assault.

## Section 351 of the Indian Penal Code: Assault  
  
Section 351 of the Indian Penal Code (IPC) defines "assault," a common offence related to personal safety and the apprehension of violence. It builds upon the concepts of "force" (Section 349) and "criminal force" (Section 350) but adds the crucial element of creating apprehension of immediate unlawful personal violence. Understanding the specific elements of assault is essential for distinguishing it from related offences like criminal force, battery, and using criminal force to deter a public servant.  
  
\*\*The Text of Section 351:\*\*  
  
"Whoever makes any gesture, or any preparation to use criminal force to any person, intending or knowing it to be likely that such gesture or preparation will cause that person present to apprehend that criminal force is about to be used to that person, is said to commit an “assault”.  
  
Explanation. - Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault."  
  
  
  
\*\*Breaking Down the Section:\*\*  
  
1. \*\*Gesture or Preparation to Use Criminal Force:\*\* The core of assault lies in the act of making a gesture or taking steps to prepare to use criminal force. This can include:  
  
 \* \*\*Gestures:\*\* Physical movements like raising a fist, pointing a weapon, or making threatening facial expressions.  
 \* \*\*Preparation:\*\* Actions like picking up a stone to throw, brandishing a stick, or loading a gun.  
  
 The gesture or preparation must be such that it indicates an imminent threat of criminal force.  
  
2. \*\*Intention or Knowledge of Likelihood of Causing Apprehension:\*\* The accused must either intend to create apprehension of immediate unlawful personal violence or know that their gesture or preparation is likely to create such apprehension in the person present. Accidental or unintentional acts that happen to cause apprehension do not constitute assault.  
  
3. \*\*Apprehension of Immediate Unlawful Personal Violence:\*\* The gesture or preparation must cause the person present to reasonably believe that criminal force is about to be used against them. This apprehension must be of \*immediate\* violence, meaning the threat must appear imminent and not something that might happen in the future. The apprehension must also be of \*unlawful\* personal violence, meaning the anticipated force must not be justified by law, such as a lawful arrest.  
  
4. \*\*Presence of the Person:\*\* The person apprehending the violence must be present at the scene. Making threats over the phone or sending threatening messages, while potentially constituting other offences, does not typically constitute assault under this section.  
  
5. \*\*Explanation - Mere Words:\*\* The explanation clarifies that mere words, without accompanying gestures or preparation, do not amount to assault. However, words can give context to gestures or preparations, making them more threatening and contributing to the apprehension of immediate violence. For example, saying "I'm going to hit you" while raising a fist can constitute assault, whereas simply saying "I'm going to hit you" without any physical action might not.  
  
  
  
\*\*Key Aspects of Assault:\*\*  
  
\* \*\*No Physical Contact Required:\*\* Actual physical contact or application of force is not necessary for assault. The creation of apprehension of immediate violence is sufficient.  
\* \*\*Immediacy is Crucial:\*\* The apprehension must be of immediate violence. Threats of future violence do not constitute assault under this section.  
\* \*\*Reasonableness of Apprehension:\*\* The apprehension of violence must be reasonable, meaning a reasonable person in the victim's situation would have felt the same fear.  
\* \*\*Mens Rea is Essential:\*\* The accused must intend to cause apprehension or know that their actions are likely to cause it. Accidental or unintentional acts do not qualify.  
  
  
  
\*\*Examples of Assault:\*\*  
  
\* Raising a fist at someone and threatening to hit them.  
\* Pointing a loaded gun at someone.  
\* Chasing someone with a weapon.  
\* Making threatening gestures while verbally abusing someone.  
\* Advancing towards someone menacingly while shouting threats.  
  
  
  
\*\*Distinction from Criminal Force:\*\*  
  
Assault requires the creation of apprehension of immediate violence, while criminal force does not. Criminal force can be used without the victim being aware of it, such as poisoning someone's food. Conversely, assault can occur without actual physical contact, such as making threatening gestures. Assault can involve criminal force, but not all instances of criminal force constitute assault.  
  
  
\*\*Distinction from Battery:\*\*  
  
"Battery" is not a defined term under the IPC. However, in common legal parlance, battery refers to the actual unlawful touching or striking of another person. Assault, on the other hand, focuses on the apprehension of such contact. Battery involves physical contact, while assault does not.  
  
  
\*\*Distinction from Using Criminal Force to Deter a Public Servant (Section 353):\*\*  
  
While both assault and using criminal force to deter a public servant involve the use of criminal force, Section 353 specifically deals with situations where the force is used to obstruct a public servant from discharging their duties. Assault under Section 351 does not have this specific requirement.  
  
  
\*\*Punishment for Assault:\*\*  
  
The punishment for assault is prescribed under Section 352: imprisonment which may extend to three months, or a fine which may extend to five hundred rupees, or both.  
  
  
\*\*Conclusion:\*\*  
  
Section 351 of the IPC defines assault as the act of creating apprehension of immediate unlawful personal violence through gestures or preparations to use criminal force. Understanding the elements of assault, including the importance of immediacy, reasonableness of apprehension, and the accused's mental state, is crucial for distinguishing it from related offences and ensuring its proper application. This provision plays a vital role in protecting individuals from threats of violence and maintaining public order.