

# News

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**The Gauhati High Court provides an IIT professor with relief, ruling that mere touching will not result in an outraged modesty offense under the IPC.**

***A sexual harassment complaint against an IIT professor who was accused of inappropriately grasping a woman's hand was dismissed by the court.***

According to the ruling in *VK v. State of Assam & Anr.*, the Gauhati High Court ruled that "**mere touching**" does not qualify as the use of force to create an offense under Section 354 of the Indian Penal Code (IPC), which addresses assault or the use of criminal force meant to offend a woman's modesty.

***When dismissing a sexual harassment complaint against an IIT professor who was accused of improperly gripping the complainant's hand, Justice Sanjeev Kumar Sharma made the statement.***

The legal definition of "force" under Section 349 of the IPC—which calls for producing movement, restriction, or physical control over a person's body—was carefully considered by the Court. It was decided that this legal need cannot be satisfied by simple physical contact.

The Court declared that mere touching would not or could not be included in the definition of force as given in Section 349 IPC.

***The Court further stated that actions or gestures that cause someone to fear immediate bodily harm are considered "assault" under criminal law. For a case to be included under Section 354 once physical contact occurs, it must still constitute criminal force.***

The Court decided that the accused professor could not be booked under Section 354 because no such attack was claimed to have occurred.

***Regarding the current case's facts, which are represented in both the victim's testimony and the FIR, it is alleged that the petitioner held the complainant's or victim's hand. The complainant or victim did not experience any motion, change of motion, or cessation of motion. Furthermore, it noted, "neither the victim's statement nor the contents of the FIR mention any action on the part of the petitioner that would be considered a gesture or preparation to be considered an assault."***

The matter started when a female Ahmedabad entrepreneur complained that she had asked an IIT Guwahati professor to mentor her firm.

She claimed that he made remarks that made her uneasy and held her hand while staring at her palm several times in 2022 as he was driving her to a friend's house in Guwahati. Before starting their journey, he is reportedly said to have halted in front of a temple and urged her to join her hands in prayer.

Police then filed a First Information Report (FIR) under Section 354 IPC, and following an investigation, a charge sheet was submitted.

A magistrate court used Section 354 of the IPC to take cognizance of the offense in response to the complaint.

The professor then filed a motion in the Gauhati High Court to have the criminal charges dismissed.

The High Court looked at the dispute's history in addition to the legal definitions.

***The complainant had previously brought forward the same accusations in a departmental investigation, the court said. Both parties participated in that investigation, which came to the conclusion that the accusations were unfounded.***

About two and a half months after the conclusion of the investigation, the criminal complaint was submitted.

***"It appears that the complainant attempted to file a formal complaint two and a half***

***months after the departmental proceedings ended in a negative outcome in order to exact revenge on the petitioner, which is an abuse of the court's process," the court held.***

The FIR, the charge sheet, and the pending trial before the magistrate were all annulled by the court after it determined that no offense under Section 354 IPC was evident from the documents presented to it.

Z Kamar, a senior advocate, represented the petitioner, an IIT professor.

Additional Public Prosecutor DP Goswami represented the State.

***D Borpujari, a legal aid counsel, represented the complainant.***