

This file corresponds to Book 1, Title 4: Of Complaint and Private Prosecution of the Portuguese Penal Code.

#### Article 113: Holders of the Right to Complain

##### 1. Legitimacy to File a Complaint:

- The victim, considered as the holder of the interests specifically protected by law.

##### 2. In Case of the Victim's Death:

- The right to complain belongs to the spouse, descendants, ascendants, adopted/adopters, or, in their absence, to the siblings and their descendants.

##### 3. Independent Right:

- Any person from the mentioned classes can file a complaint independently of the others.

##### 4. Victim Under 16 Years Old or Incapable:

- The right to complain belongs to the legal representative or, in their absence, to the persons indicated in point 2.

##### 5. Intervention of the Public Prosecutor:

- Can initiate criminal proceedings within six months if the victim is a minor/incapable or if the right to complain cannot be exercised.

##### 6. Exercise of the Right After 16 Years:

- The victim can exercise the right to complain from the age of 16.

#### Article 114: Extension of the Effects of the Complaint

- A complaint against one participant in the crime extends the criminal proceedings to the others.

#### Article 115: Extinction of the Right to Complain

##### 1. Deadlines:

- Six months from the knowledge of the fact and its authors, the victim's death, or their incapacity.
- Exception: Art. 178, one-year deadline.

##### 2. Victim Turning 18 Years Old:

- The right to complain expires six months after turning 18.

##### 3. Non-Exercise of the Right:

- Benefits the other participants in the crime.

##### 4. Multiple Holders:

- The deadline is counted separately for each one.

#### Article 116: Waiver and Withdrawal of the Complaint

##### 1. Waiver:

- The right to complain cannot be exercised if there has been an express or implied waiver.

##### 2. Withdrawal:

- Can occur until the publication of the first instance sentence, with the defendant's consent.

##### 3. Benefit to Participants:

- Withdrawal of the complaint benefits the other participants, unless opposed.

##### 4. Cumulative Liability:

- Also applies to legal entities or equivalent entities.

##### 5. Victim After 16 Years:

- Can request the termination of the process under the conditions of points 2 and 3.

#### Article 117: Private Prosecution

- The provisions of the previous articles are applicable to cases of private prosecution.