

This file corresponds to book 1, title 4 (complaint and private accusation) of the Portuguese penal code.

Article 113 - in relation to holders of the right to complain:

1 - when the criminal procedure depends on a complaint, the offended party has the legitimacy to present it, unless otherwise provided, considering himself as the holder of the interests that the law specifically wanted to protect with the incrimination.

2 - if the offended party dies without having filed a complaint or renounced the complaint, the right to complain belongs to the following people, unless any of them participated in the crime:

a) to the living spouse not judicially separated from persons and property or to the person, of another or of the same sex, who lived with the offended party in conditions similar to those of the spouses, descendants and adopted people and ascendants and adopters; and, in its absence

b) to brothers and their descendants.

3 - any of the people belonging to one of the classes referred to in the paragraphs of the previous number may file a complaint independently of the others.

4 - if the offended party is under 16 years of age or does not have the discernment to understand the scope and meaning of exercising the right to complain, this belongs to the legal representative and, failing that, to the people indicated successively in the paragraphs of paragraph 2, applying the provisions of the previous paragraph.

5 - when the criminal procedure depends on a complaint, the public prosecutor may initiate the procedure within six months from the date on which it became aware of the fact and its perpetrators, whenever the interest of the offended party so advises and:

a) the person is a minor or does not have the discernment to understand the scope and meaning of exercising the right to complain; or

b) the right to complain cannot be exercised because its ownership rests solely with the perpetrator.

6 - if the right to complain is not exercised under the terms of paragraph 4 nor is criminal proceedings initiated under the terms of paragraph 'a' of number 5, the offended party may exercise that right from the date on which they turn 16 years old.

Article 114 - in relation to the extension of the effects of the complaint: the presentation of the complaint against one of the participants in the crime makes the criminal proceedings extend to the rest.

Article 115 - in relation to the extinction of the right to complain:

1 - the right to complain expires within six months from the date on which the holder became aware of the fact and its perpetrators, or from the death of the offended party, or from the date on which he or she became incapacitated, except in the case of the right to complain provided for in paragraph 1 of article 178, which expires within a period of one year.

2 - the right to complain provided for in no. 6 of article 113 is extinguished within a period of six months from the date on which the offended party turns 18 years old.

3 - failure to exercise the right to file a complaint in a timely manner in relation to one of the participants in the crime benefits the others, in cases where they too cannot be prosecuted without a complaint.

4 - since there are several holders of the right to complain, the deadline counts independently for each of them.

Article 116 - in relation to the waiver and withdrawal of the complaint:

1 - the right to complain cannot be exercised if the holder has expressly renounced it or has committed acts from which the waiver necessarily follows.

2 - the complainant may withdraw the complaint, as long as there is no opposition from the defendant, until the publication of the first instance sentence. withdrawal prevents the complaint from being renewed.

3 - the withdrawal of the complaint against one of the participants in the crime benefits the others, unless they object, in cases where they cannot be prosecuted without a complaint.

4 - the provisions of the previous paragraph are applicable in the case of cumulative liability of the natural and legal person or similar entity.

5 - after reaching 16 years of age, the offended party may request that the process be terminated, under the conditions set out in paragraphs 2 and 3, when the right to complain has been exercised under the terms of paragraph 4 of article 113, or criminal proceedings have been initiated in accordance with subparagraph a) of paragraph 5 of article 113.

Article 117 - in relation to private accusation: the provisions of the articles of this title are correspondingly applicable to cases in which the criminal procedure depends on private accusation.