

Law
Criminal Procedural Code of the Republic of Moldova
no. 122-XV of 14.03.2003
(Special part)

(Extract)

(art.275 par.(6), 276)

Article 275. Circumstances excluding criminal investigation

The criminal investigation may not be initiated and if initiated, may not be conducted and shall be terminated if:

...

6) the complaint of the victim is missing, where the criminal investigation is initiated, according to article 276, only at the victim's complaint or the preliminary complaint has been withdrawn;

....

Article 276. Initiation of the criminal investigation on the basis of the victim's complaint

(1) The criminal investigation is initiated only on the basis of the preliminary complaint of the victim in respect to the crimes provided by the articles: 152 paragraph (1), 153, 155, 157, 161, 173, 177, 179 paragraph (1) and (2), 193, 194, 197 paragraph (1), 200, 202, 203, 204 paragraph (1), 246¹, 274 of the Criminal Code, and in case of theft committed by a juvenile, a spouse, close relatives, in the legal guardian's damage or of the person living together or hosted by the victim. At reconciliation of the victim with the suspect, the accused, defendant in the cases mentioned in this paragraph, the criminal investigation shall be terminated. The procedure in such proceedings shall be general.

(1¹) Notwithstanding the provisions of paragraph (1) where the prosecuting authority directly detects or is notified about the commission or preparation for the commission of offenses referred to in art. 185², except for offenses provided in paragraph (2³), and art. 185³ of the Criminal Code, it shall notify the rightholder or the authority empowered under the law on the protection of geographical indications, designations of origin and traditional specialties guaranteed about them. If the rightholder or the authority empowered under the law on protection of geographical indications, designations of origin and traditional specialties guaranteed, within 15 working days of receipt of notice, does not file a preliminary complaint, the prosecuting authority shall not initiate the criminal investigation under provisions of this Code.

(2) If as a result of the committed crime several persons were affected, the criminal investigation shall be initiated even if the preliminary complaint is submitted only by one of the victims.

(3) If the crime was committed by several perpetrators and the preliminary complaint is submitted only in respect to one of the perpetrators, the criminal investigation shall be initiated in respect of all perpetrators.

(4) If the victim that participates in the proceeding on a crime provided by the paragraph (1) of this article, due to his limited capacity, state of helplessness or due to dependence on the suspect, or due to other reasons is unable to defend his legitimate rights and interests, the prosecutor shall initiate the criminal investigation even if the victim does not file a complaint.

(5) The criminal investigation shall be discontinued upon the reconciliation between the injured party and the suspect, accused, defendant in the cases mentioned in the paragraph (1) of this article. The reconciliation is personal and produces effects only if it is performed before the court judgment becomes final. In domestic violence cases, the prosecutor or the court will consider whether the reconciliation of the victim is freely expressed, ensuring that the victim had real access to assistance and protection

(6) The reconciliation may be performed on behalf of persons without capacity only by their legal representatives. The persons with limited capacity may reconcile only with the prior approval of their legal representatives. The reconciliation may take place also if the criminal investigation was initiated by the prosecutor at his own motion.

(7) The reconciliation of the parties may take place also by mediation.