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## Complaint with civil suit

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Additional cases ? [Simple complaint \(https://www.service-public.fr/particuliers/vosdroits/F1435\)](https://www.service-public.fr/particuliers/vosdroits/F1435)

A complaint with civil party allows the victim of a offense request the initiation of an investigation led by an examining magistrate. This investigation judicial information.. A complaint with civil party is subject to certain conditions (e.g. a prior simple complaint). It is the examining magistrate who decides whether or not to launch the investigation, after having asked the public prosecutor.. The victim cannot impose it on the judge.

### What is it about?

A complaint with the filing of a civil suit allows a victim of an offense to launch the public action. Public prosecution is the legal procedure which, if successful, allows the offender to be sentenced to a penalty.

A civil suit is a first step in criminal proceedings that does not guarantee the conviction of a suspect by a court. It allows an investigation to be initiated by an examining magistrate, or [judicial information \(https://www.service-public.fr/particuliers/vosdroits/F1456?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F1456?lang=en).. If, after the investigation, the investigating judge decides that the offender must be tried by the court, the victim may request damages to make reparation.

The complaint with civil suit must not be confused with the [simple complaint \(https://www.service-public.fr/particuliers/vosdroits/F1435?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F1435?lang=en).. A simple complaint allows a victim to report an offense to the public prosecutor without being a civil party. In such cases, the prosecutor rarely seizes an investigating judge.

The filing of a simple complaint is mandatory before filing a complaint with civil party, except for certain offenses.

### Terms

In order to file a complaint with civil party, you must be a victim of an offense, that is to say you have suffered harm. It must also be justified that a simple complaint has not been successful. For some offenses, this prior complaint is not necessary.

Be a victim

Major victim

In order to file a civil claim, the complainant must have personally suffered harm as a result of the offense.

This injury can be an injury, an illness, the loss of a sum of money, the death of a loved one, ...

Minor victim

In order to lodge a complaint with civil party, the victim must have personally suffered harm caused by the offense pursued.

This injury can be an injury, an illness, a theft...

However, a minor cannot lodge a complaint alone, his parents or his legal representative must do so on its behalf and for the damage suffered **by the minor**..

Complaint

In some cases, a complainant may file a complaint directly with the filing of a civil party without having to file a complaint [simple complaint \(https://www.service-public.fr/particuliers/vosdroits/F1435?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F1435?lang=en).. The complainant must be a victim of a crime, a press offense ([insult \(https://www.service-public.fr/particuliers/vosdroits/F32077?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F32077?lang=en), [defamation \(https://www.service-public.fr/particuliers/vosdroits/F32079?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F32079?lang=en)...) or a violation of the electoral code.

 **Please note** : it is not possible to file a complaint with civil party for a contravention..

In other cases, the complainant must always have filed a simple complaint for the same facts before he can file a civil party complaint.

A complaint with the filing of a civil suit becomes possible in the following cases:

- The simple complaint is dismissed
- The simple complaint was filed with the prosecutor for 3 months without any follow-up
- The copy of the simple complaint lodged with a police or gendarmerie service has been transmitted to the public prosecutor for 3 months and no follow-up has been given

The complainant must justify that his simple complaint did not result in one of the following documents:

- Notice of dismissal without further action, i.e. a letter from the public prosecutor indicating his refusal to prosecute
- Proof of filing date, i.e. receipt in case of filing directly with the court (or acknowledgement of receipt in case of sending by registered mail)
- Proof that the copy of the complaint has been sent to the prosecutor for at least 3 months, i.e. the receipt in case of filing directly with the court (or the acknowledgement of receipt in case of sending by registered mail)

 **Please note** : if the victim requested damages before a civil judge, between her simple complaint and her complaint with the filing of a civil party, she must cancel her application before referring the matter to the investigating judge.

## Steps

### Filing of complaint

The filing of a complaint with the filing of a civil suit shall be made by a letter dated and signed or by oral statement before the examining magistrate.

If the complaint is sent by mail, the complainant must indicate:

- Its willingness to lodge a complaint and to become a civil party
- Facts reported for which it considers itself a victim (giving the legal classification of the offense or the crime is not essential)
- Identity of the alleged perpetrator (otherwise the complaint must be against X)
- Address in France
- Information on the unsuccessful single complaint (with supporting documentation)
- Request damages possible



### File a complaint with civil party

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(<https://www.service-public.fr/particuliers/vosdroits/R11657>)

 **Warning** : if the complaint with the filing of a civil action relates to a press offense ( [insult \(https://www.service-public.fr/particuliers/vosdroits/F32077?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F32077?lang=en), [defamation \(https://www.service-public.fr/particuliers/vosdroits/F32079?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F32079?lang=en)...), the plaintiff must indicate the offenses and the laws applicable to the acts he denounces.

The letter shall be sent by simple letter or registered letter with acknowledgement of receipt to the examining magistrate of the court of the place of the offense or of the domicile of the offender.

In each court, an examining magistrate is responsible for receiving all complaints with the formation of a civil party. This is usually the most senior investigating judge, i.e. the longest-serving judge.

Who shall I contact

- [Court of Justice or Proximity](https://www.justice.fr/recherche/annuaires)  (<https://www.justice.fr/recherche/annuaires>)

It is possible to be assisted by a lawyer.

- [Lawyer](https://www.cnb.avocat.fr/annuaire-des-avocats-de-france)  (<https://www.cnb.avocat.fr/annuaire-des-avocats-de-france>)

 **FYI** : as soon as the dean of investigating judges is seized, a number is assigned to the file, allowing the complaint to be followed up.

### Filing a deposit

After the filing of a complaint with civil party, the Dean of Investigating Judges asks the complainant to pay a sum of money called logging.. The judge determines the amount of this deposit according to the complainant's income.

The complainant does not have to pay a deposit if he has obtained [legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en) for this procedure. He may also not have to pay a deposit on the decision of the judge.

The deposit must be paid within a time limit set by the judge. If this deadline is not met, the complaint may be dismissed.

This sum guarantees the payment of a possible fine pronounced in case the complaint proves to be abusive (facts invented...). This fine is €15,000 maximum.

In other cases, the record is issued at the end of the investigation, whether or not there is a trial.

## Transmission to prosecutor

The complaint is then transmitted by the dean of the investigating judges to the public prosecutor for an opinion called requisitions..

Before taking his requests, the public prosecutor may ask the examining magistrate to hear the civil party and a period of 3 months to continue the investigation.

In his or her applications, the public prosecutor may ask the examining magistrate:

- disregard the complaint (for example, if he considers that the facts do not constitute an offense),
- or open **judicial information** (<https://www.service-public.fr/particuliers/vosdroits/F1456?lang=en>)..

 **Please note** : the prosecutor may ask the judge to disregard the complaint while informing the victim that he or she may use the **direct quote** (<https://www.service-public.fr/particuliers/vosdroits/F1455?lang=en>) to summon the suspect to court.

## Decision of the examining magistrate

The Dean of Investigating Judges may decide to follow or not to follow the requests of the Public Prosecutor.

The judge may hear the complainant on his own initiative or at the request of the prosecutor.

If the judge decides to open **judicial information** (<https://www.service-public.fr/particuliers/vosdroits/F1456?lang=en>), he shall then appoint the examining magistrate to investigate. He can call himself.

If the judge refuses, he will take a order of refusal to inform. This is the case if the acts reported are not a criminal offense or if they have clearly not been committed. In the event of a refusal to inform, the investigation shall not be initiated.

The complainant may appeal the decision to refuse to inform within 10 free days following notification of that decision. The appeal must be made by a declaration to the Registrar of the examining magistrate. This statement is signed by the clerk and by the complainant or his lawyer.

## Who shall I contact

- **Court of Justice or Proximity**  (<https://www.justice.fr/recherche/annuaires>)

It is the Appeals Chamber of the Court of Appeal which considers appeals against decisions to refuse to inform.

 **Please note** : if the investigating judge refuses to open a judicial inquiry, the person against whom the complaint is made may sue the complainant for slanderous information and request payment of damages..

## Rights of the civil party

If **judicial information** (<https://www.service-public.fr/particuliers/vosdroits/F1456?lang=en>) is opened, the complainant becomes a civil party.

### Compensation

If the perpetrator is tried at the end of the proceedings, the civil party may request compensation for his injury by means of damages..

### Follow-up to the investigation

The civil party shall have access to the file and may be assisted by a lawyer, in particular when heard by the judge.

It may ask the judge for investigative acts: hearing a witness, an expert opinion, a confrontation ...

The civil party shall receive the decisions taken by the examining magistrate.

## Statute and miscellaneous references

- Code of Criminal Procedure: Articles 1 to 10  (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000024458641&cidTexte=LEGITEXT000006071154>)  
*Civil action by the victim (Article 2)*
- Code of Criminal Procedure: Articles 49 to 52-1  (<https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006151874/>)  
*Territorial jurisdiction of the investigating judge (art. 52)*
- Code of Criminal Procedure: Articles 85 to 91-1  (<https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006167422/>)  
*Filing and processing of a complaint with civil party*
- Freedom of the Press Act of 29 July 1881: Rule 50  (<https://www.legifrance.gouv.fr/affichTexteArticle.do?idArticle=LEGIARTI000006419830&cidTexte=LEGITEXT000006070722>)  
*Content of the complaint concerning a press offense*
- Code of Criminal Procedure: rule 177-2  (<https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006071154&idArticle=LEGIARTI000006575401>)  
*Fine in case of abuse*
- Code of Criminal Procedure: Articles 185 to 187-3  (<https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006167433&cidTexte=LEGITEXT000006071154>)  
*Appeal if decision to refuse to inform (Article 186)*

#### Online services and forms

- [File a complaint with civil party \(https://www.service-public.fr/particuliers/vosdroits/R11657?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/R11657?lang=en)  
Document template

#### For more information, please contact

- [Victim assistance](http://www.interieur.gouv.fr/A-votre-service/Ma-securite/Aide-aux-victimes)  (<http://www.interieur.gouv.fr/A-votre-service/Ma-securite/Aide-aux-victimes>)  
*Ministry of the Interior*
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