



FROM THE IUSTORIA BLOG

Criminal Complaint: What Happens When Someone Files One Against You

Someone filed a criminal complaint against you. What now? A calm, step-by-step guide to the first 48 hours.

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A phone call from the police. An official letter in the post. A message from someone you know saying people have been "asking about you." Most people find themselves in this situation for the first time in their lives — and their first reaction is panic. That is entirely natural. But it is important to understand what is actually happening, what to expect, and how to act so you do not make things harder for yourself than they need to be.

Let's walk through it, step by step.

What a criminal complaint is — and what it is not

A criminal complaint is not an indictment. It is not a charge. It is not a conviction. It is a report filed with the police or the public prosecutor's office in which someone claims that a criminal offence may have been committed. Anyone can file a criminal complaint against anyone — and the police are obliged to look into it. That does not mean the complaint is truthful, well-founded, or that it will lead to anything further.

In practice, a large proportion of criminal complaints are dismissed. Either because the conduct described does not constitute an offence, or because there is insufficient evidence. A criminal complaint marks the beginning of a preliminary inquiry, not the beginning of a trial.

That does not mean you can ignore it. But it does mean there is no cause for immediate panic.

What the police will do

Once a criminal complaint is filed, the police begin what Czech law calls a "preliminary inquiry" (*prověřování*). At this stage, they are determining whether a criminal offence occurred at all and whether there is a suspect.

During the inquiry, the police may contact you in one of two ways — and the difference matters:

Providing an explanation (*podání vysvětlení*) — the police summon you to clarify certain circumstances. You are not in the position of an accused person, but be aware: what you say can be used later. You have the right to legal assistance and the right to refuse to answer if your testimony could incriminate a close relative.

Interrogation as an accused person (*výslech obviněného*) — this is a qualitatively different situation. It means the police have issued a resolution to commence criminal prosecution. At that point, you have the full rights of an accused person, including the right to a defence lawyer, the right to remain silent, and the right to inspect the case file.

The key piece of advice: before you go to the police — whether for an explanation or an interrogation — find out in what capacity you are being summoned. And ideally, go with a lawyer.

Your rights — and why they matter

The Czech Constitution and the Code of Criminal Procedure guarantee several fundamental rights that no one can circumvent:

The right to a lawyer. You may choose a lawyer and have them present at any procedural step. If you cannot afford one, the court will appoint one in certain cases. This right applies from the very first contact with the police.

The right to remain silent. You do not have to answer questions. You do not have to explain yourself. You do not have to mount a defence on the spot. Silence is not an admission of guilt — and in the early stages, it is often a wiser strategy than spontaneous explanations.

The right to a copy of the record. Everything you say to the police is recorded in a written protocol. You have the right to read it, request corrections, and obtain a copy. Use this right — the protocol is evidence.

The right to an interpreter. If your Czech is not sufficient to understand legal terminology, you are entitled to an interpreter at the state's expense.

What not to do — the five mistakes I see most often

Over years of practising criminal law, the same mistakes keep recurring. Most stem from good intentions or from stress — but they can seriously complicate your situation.

Do not speak to the police without a lawyer. Not "informally." Not "just briefly." Not even if you believe you have nothing to hide. This is not about whether you are innocent — it is about the fact that without legal counsel, you may inadvertently say something that will be taken out of context.

Do not delete communications. Messages, emails, call history. Even if the content seems unfavourable. Deleting evidence can be assessed as obstruction of justice — which is a separate criminal offence.

Do not contact the complainant. I understand this is difficult — especially when it is someone close to you. But any contact can be interpreted as witness intimidation. Communicate exclusively through your lawyer.

Do not discuss the case on social media. Not in private messages. Not in closed groups. Nothing on the internet is truly private, and everything can be used as evidence.

Do not panic or make rash decisions. Do not sign anything you do not understand. Do not agree to any "quick solution" offered to you without your lawyer present.

What comes next

After the preliminary inquiry phase, several outcomes are possible:

Dismissal of the case. The police determine that no criminal offence was committed, or that it cannot be proven. The proceedings end. This is the most common outcome — the majority of criminal complaints are dismissed.

Discontinuation of prosecution. If criminal prosecution was commenced but grounds for it ceased to exist during its course, the public prosecutor may discontinue the prosecution.

Filing of an indictment. The public prosecutor concludes that there is sufficient evidence and files an indictment with the court. Only at this point does a trial begin.

Conditional discontinuation or settlement. For less serious offences, alternative resolution mechanisms — known as diversions — can lead to the case being closed without a trial.

Each of these paths has its own conditions, time limits, and consequences. And each requires a different defence strategy.

A final thought

Panic is natural. But this is exactly the kind of situation where you need a calm head — your own, or someone beside you.

A criminal complaint does not mean you are guilty. It does not mean you will face trial. It does not mean the end. It means someone set a process in motion — and you have every right and every opportunity to defend yourself. But that defence needs to be thoughtful, measured, and guided by someone who knows what they are doing.

If you find yourself in this situation, do not try to handle it alone. Reach out to a lawyer — the sooner, the better. If the complaint relates to a family context, [Domestic violence and the law](#) is a useful read for understanding the boundary between family-law and criminal-law tools of protection.

Has someone filed a criminal complaint against you and you don't know what to do next? In our [dispute and criminal practice](#) we walk you through every step — from the first interview to a possible discontinuation of proceedings. [Get in touch](#), ideally before you talk to the police.

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